PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. PEARSON: Petition of James Ledford, late private, Company H, Eleventh Regiment Tennessee Cavalry Volunteers, to accompany House bill No. 10707, for the removal of the charge of desertion against him—to the Committee on Military Affairs.

By Mr. PRINCE: Petition of the Independent Order of Good Templars of Aledo, Ill., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Independent Order of Good Templars of Aledo, Ill., in favor of the passage of bills to forbid interstate transmission of lottery messages by telegraph and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petitions of the Methodist Episcopal Church of Rock Island, Our Young People's Christian Union of the United Presbyterian Church and Independent Order of Good Templars of Aledo, and Epworth League of Alpha, State of Illinois, favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of John Buford Post, No. 243, Grand Army of the Republic, of Rock Island, Ill., protesting against appropriation for erecting a monument to Gen. Albert Pike—to the Committee on the Library.

SENATE.

MONDAY, *June 20, 1898.*

Prayer by Rev. R. W. SMART, of Memphis, Tenn.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on motion of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

DEFICIENCY ESTIMATES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia, submitting estimates of deficiencies in appropriations for public schools in the District of Columbia, 1898, and judgments rendered against the District of Columbia, $3,078.35; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 914) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8541) to define the rights of purchasers of the Belt Railway Company, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10209) to repeal an act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the following bills, asks conferences with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RAY of New York, Mr. HENRY of Connecticut, and Mr. DRIGGS managers of the respective conferences on the part of the House:

A bill (H. R. 6411) granting an increase of pension to Henry K. Opp; and

A bill (H. R. 8299) granting an increase of pension to Thomas S. Tefft.

The message further announced that the House had passed the following bills:

A bill (S. 484) granting an increase of pension to Carlton W. Muzzy;

A bill (S. 1475) granting an increase of pension to Elijah N. Parkhurst;

A bill (S. 2541) granting a pension to Clara R. Rogers;

A bill (S. 2588) increasing the pension of Corrissanda L. McGuire;

A bill (S. 3350) granting an increase of pension to Blanche E. Barlow;

A bill (S. 3515) granting an increase of pension to Mary L. Page; and

A bill (S. 4533) to increase the pension of Lucinda Booth.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 619) granting an increase of pension to Frank Rockwith;

A bill (H. R. 4961) granting an increase of pension to George W. Osborn;

A bill (H. R. 6098) to correct the military record of N. Ward Cady, late major, Second Mounted Rifles, New York Volunteers, and to grant him an honorable discharge;

A bill (H. R. 6379) granting a pension to Joseph C. Berg, alias Joseph White;

A bill (H. R. 6388) granting an increase of pension to Joseph R. Mathers;

A bill (H. R. 7321) granting an increase of pension to Lauritz Olsen;

A bill (H. R. 7844) to increase the pension of Mary Broggan;

A bill (H. R. 8181) for the relief of John A. Bingham;

A bill (H. R. 8861) granting an increase of pension to George H. Givens; and

A bill (H. R. 9729) to increase the pension of William L. Smithson, late Company D, Fifth Tennessee Volunteers, Mexican war.

The message further announced that the House had passed with amendments the following bills; in which it requested the concurrence of the Senate:

A bill (S. 125) granting an increase of pension to George W. Palmer;

A bill (S. 166) granting an increase of pension to Samuel A. Smith;

A bill (S. 156) to increase the pension of Capt. John H. Mullen;

A bill (S. 949) granting a pension to Levi R. Long;

A bill (S. 1090) to pension Mrs. Susan M. Sessford;

A bill (S. 1539) granting a pension to Paul Carr;

A bill (S. 2112) granting a pension to Jesse O. Davy;

A bill (S. 2114) granting a pension to Rebecca E. Kutz;

A bill (S. 2219) granting a pension to Thomas Madden;

A bill (S. 2247) granting a pension to Charles E. Mann;

A bill (S. 3474) granting a pension to John C. Brown;

A bill (S. 3722) granting a pension to William J. Williams;

A bill (S. 4004) granting a pension to Julia E. Warner; and

A bill (S. 4451) granting a pension to Nancy Barger.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 247) granting an increase of pension to John Doebler;

A bill (H. R. 258) granting a pension to Margaret Wilber;

A bill (H. R. 312) granting a pension to Ellen Wright;

A bill (H. R. 638) for the relief of George W. Dunning;

A bill (H. R. 990) granting an increase of pension to George E. Welles;

A bill (H. R. 1045) granting a pension to Mary A. Caulfield;

A bill (H. R. 1213) granting an honorable discharge to W. G. Neeley, of Canyon City, Colo.;

A bill (H. R. 1373) granting an increase of pension to Frances P. Trumbull;

A bill (H. R. 1778) for the relief of Wesley Van Over, late of Company C, One hundred and ninth New York Volunteers, and Company G, Eighth Pennsylvania Cavalry;

A bill (H. R. 2157) granting a pension to Herman Dellit;

A bill (H. R. 2267) to increase the pension of Jeremiah Hackett;

A bill (H. R. 2869) granting a pension to Eliza J. Mead;

A bill (H. R. 2981) granting an increase of pension to James W. Jackson;

A bill (H. R. 3271) to increase the pension of Mrs. Rebecca S. Foster;

A bill (H. R. 3297) to remove the charge of desertion from the military record of William Henry Woodward;

A bill (H. R. 3487) for increase of pension of John W. Majors;

A bill (H. R. 3567) to remove the charge of desertion against Gardner Dodge;

A bill (H. R. 3598) granting a pension to Henrietta Fowler;

A bill (H. R. 3624) granting a pension to Pauline Robbins;

A bill (H. R. 4001) granting an increase of pension to Robert Fletcher;

A bill (H. R. 4200) granting an increase of pension to Ellen Stack;

A bill (H. R. 4253) granting an honorable discharge to Thomas West;

A bill (H. R. 4283) granting an increase of pension to William B. Murray;

A bill (H. R. 4315) to increase the pension of George D. Phinney;

A bill (H. R. 5102) granting an increase of pension to Edson Sullivan;
A bill (H. R. 5153) granting a pension to Cordelia Cheney;
A bill (H. R. 5385) granting a pension to A. C. Litchfield;
A bill (H. R. 5402) to increase the pension of Louis Hirsch;
A bill (H. R. 5762) granting an increase of pension to Joel W. Gibson;
A bill (H. R. 5992) granting a pension to Mrs. Mary A. Freeman;
A bill (H. R. 6163) removing the charge of desertion from the record of Robert V. Hancock;
A bill (H. R. 6625) for the relief of George B. Stone;
A bill (H. R. 6645) to increase the pension of Theodore W. Cobia;
A bill (H. R. 6714) granting an increase of pension to Mary M. Walrath;
A bill (H. R. 6831) granting an increase of pension to Taylor McFarland;
A bill (H. R. 6930) for relief of and to correct record of Jacob Covert;
A bill (H. R. 6944) to pension John F. Gates;
A bill (H. R. 7010) granting a pension to Mrs. Mary H. Harbour;
A bill (H. R. 7362) to grant a pension to Junius Alexander;
A bill (H. R. 7583) granting an increase of pension to John A. Whitman;
A bill (H. R. 8037) granting an increase of pension to Lizzie Waltz;
A bill (H. R. 8180) granting a pension to Isabella Cross;
A bill (H. R. 8266) to increase the pension of Ann Gibbons;
A bill (H. R. 8723) granting an increase of pension to Juliette Harrow;
A bill (H. R. 8862) granting an increase to pension to Jordan Thomas;
A bill (H. R. 9141) granting a pension to Mrs. A. A. Pinkston;
A bill (H. R. 9187) granting an increase of pension of Missouri B. Ross;
A bill (H. R. 9310) granting an increase of pension to Henry H. Preston;
A bill (H. R. 9593) to increase the pension of Michael Meehan;
A bill (H. R. 9801) granting an increase of pension to Emer H. Aldrich; and
A bill (H. R. 9866) granting a pension to Joseph Griffith.

The message further transmitted to the Senate resolutions of the House as a tribute to the memory of Hon. ISHAM G. HARRIS, late a Senator from the State of Tennessee.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 3071) for the relief of James A. Stoddard;
A bill (H. R. 5879) to amend sections 1 and 2 of the act of March 3, 1887, 24 Statutes at Large, chapter 359; and
A bill (H. R. 9856) for the relief of Anna Merkel.

PETITIONS.

The VICE-PRESIDENT presented a petition of the General Synod of the Reformed Church in America, praying for the enactment of legislation to limit absolute divorces in the District of Columbia and the Territories; which was referred to the Committee on the Judiciary.

Mr. PLATT of New York presented a petition of the Dairy Board of Trade of Boonville, N. Y., and a petition of the Dairy Board of Trade of Utica, N. Y., praying for the enactment of legislation providing that cheese be adopted as a part of the rations for the Army and Navy; which were referred to the Committee on Military Affairs.

Mr. PENROSE presented a petition of the Board of Trade of Wilkesbarre, Pa., praying for the passage of the bill to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof; which was referred to the Committee on Interstate Commerce.

Mr. FAIRBANKS presented a petition of the Department of Indiana, Grand Army of the Republic, praying for the enactment of legislation to establish a national military park at Vicksburg; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. MCMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 4700) to receive arrearages of taxes due the District of Columbia to July 1, 1896, at 6 per cent interest per annum, in lieu of penalties and costs, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon; and they were postponed indefinitely:

A bill (S. 3084) to repeal the charter and all acts of Congress incorporating the Capitol, North O Street and South Washington Railway Company, now the Belt Railway Company, in the city of Washington and District of Columbia, and all acts and parts of acts amendatory thereof, and for other purposes;

A bill (S. 1232) to amend the act authorizing the Washington and Marlboro Electric Railway Company to extend its lines into and within the District of Columbia; and

A bill (S. 922) to amend an act entitled "An act to prohibit the use of one-horse cars within the limits of the city of Washington after the 1st day of January, 1893, and for other purposes," approved July 29, 1892.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom were referred three House bills, to submit adverse reports thereon, inasmuch as the claims are pending in the Pension Bureau and the bills can not be considered under the rules of the committee. I therefore ask that they be indefinitely postponed.

The VICE-PRESIDENT. The bills will be read by title.

The SECRETARY. A bill (H. R. 1529) granting an increase of pension to William H. H. Nevitt.

The VICE-PRESIDENT. There being no objection, the bill will be indefinitely postponed.

The SECRETARY. A bill (H. R. 8090) granting a pension to Belle Peter.

Mr. LINDSAY. I ask that the bill be laid on the table for the present.

Mr. GALLINGER. Let it go to the Calendar, I suggest to the Senator.

Mr. LINDSAY. Very well.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

The SECRETARY. A bill (H. R. 1712) granting an increase of pension to Joel H. Hallowell.

Mr. LINDSAY. I ask that that bill may go on the Calendar also.

The VICE-PRESIDENT. The Chair hears no objection, and the order will be made. The bill will take its place on the Calendar.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 4714) to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 4791) directing the enlistment of cooks in the Regular and Volunteer armies of the United States; which was read twice by its title.

Mr. WILSON, from the Committee on Public Lands, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (S. 3557) for the relief of Thomas Paul;

A bill (S. 4110) to amend the act entitled "An act to provide for the location and satisfaction of outstanding military bounty land warrants and certificates of location, under section 3 of the act approved June 2, 1858;" and

A bill (S. 3357) for the relief of Clinton F. Pulsifer, of the State of Washington.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 1713) for the relief of Secor & Co., Perine, Secor & Co., and the executors of Zeno Secor, reported it as an amendment to the bill (S. 3546) for reference of certain claims against the Government of the United States to the Court of Claims, and submitted a report thereon.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 955) for the relief of Alice Walsh, reported it with amendments, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 4549) authorizing the British Columbia, Seattle and Pacific Coast Railway Company to construct a bridge across the Columbia River, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 1073) to provide for the construction of a bridge across Niagara River, reported it without amendment.

Mr. WARREN, from the Committee on Claims, to whom was referred the amendment relative to the claim of Aaron Van Camp and Virginius P. Chapin against the United States, submitted by Mr. HANSBROUGH on February 14, 1898, intended to be proposed to the bill (S. 3546) for the reference of certain claims against the Government of the United States to the Court of Claims, reported it with an amendment.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (S. 4623) to ratify agreements with the Indians of the Lower Brule and Rosebud reservations, in South

Dakota, and making an appropriation to carry the same into effect, reported it without amendment, and submitted a report thereon.

THE NICARAGUA CANAL.

Mr. MORGAN, from the Select Committee on the Construction of the Nicaragua Canal, to whom were referred the bill (S. 4539) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to aid in the construction of the Nicaragua Canal, and the bill (S. 4657) concerning right of way for a canal across the Isthmus of Darien, via Lake Nicaragua, submitted a report, accompanied by a bill (S. 4792) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to aid in the construction of the Nicaragua Canal; which was read twice by its title.

The VICE-PRESIDENT. Senate bills 4539 and 4657 will be indefinitely postponed.

Mr. MORGAN, from the Select Committee on the Construction of the Nicaragua Canal, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report statements before the Select Committee on the Construction of the Nicaragua Canal, June 15, 16, and 17, 1898, be paid from the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. GORMAN introduced a bill (S. 4793) for the relief of the heirs of the late John Van Riswick; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of Connecticut (by request) introduced a bill (S. 4794) to authorize the registration of trade-marks and to protect the same; which was read twice by its title, and referred to the Committee on Patents.

Mr. HAWLEY introduced a bill (S. 4795) to increase the efficiency of the Subsistence Department of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. MCMILLAN submitted an amendment providing for changes, alterations, and repairs to the old post-office and courthouse at Detroit, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. HAWLEY submitted an amendment relative to maintenance of target range at Jefferson Barracks, Mo., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. PENROSE submitted an amendment providing for a commercial commission to China, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

PAY OF STENOGRAPHER.

Mr. KYLE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearing before the Committee on Education and Labor, June 16, 1898, on the bill (H. R. 7389) "An act limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the United States, or any Territory, or the District of Columbia," be paid from the contingent fund of the Senate.

CHARLES M. SKIPPON.

Mr. MCMILLAN. I move that Order of Business 1029, being the bill (S. 4227) for the relief of the heirs of Charles M. Skippon, be indefinitely postponed, as this claim is provided for in the deficiency appropriation bill.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 18th instant approved and signed the following acts:

An act (S. 1118) granting an increase of pension to Mary E. Chamberlin;

An act (S. 1131) granting a pension to Adonia Huard, of New Orleans, La., widow of Hypolite Huard, deceased;

An act (S. 1472) granting an increase of pension to Bettie Hord Brown;

An act (S. 1481) granting an increase of pension to Halbert E. Paine;

An act (S. 3660) granting a pension to Thomas Edsall;

An act (S. 4048) granting to the Kettle River Valley Railway Company a right of way through the north half of the Colville Indian Reservation, in the State of Washington; and

An act (S. 4763) to provide American registers for the steamers *Specialist* and *Unionist*.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed, with amendments, to the amendments of the Senate numbered 12 and 74 to the bill (H. R. 6897) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1899, and for other purposes, in which it requested the concurrence of the Senate; recedes from its disagreement to the amendments of the Senate numbered 79 and 80; further insists upon its disagreement to the amendments of the Senate numbered 69, 70, 71, 72, 73, 128, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, and 167, upon which the committee of conference have been unable to agree; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon and on its amendment to the amendments of the Senate numbered 12 and 74, and had appointed Mr. GROUT, Mr. PITNEY, and Mr. DOCKERY managers at the conference on the part of the House.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway Company, of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes; further insists upon its disagreement to the amendments of the Senate to the bill; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON managers at the conference on the part of the House.

ANNEXATION OF THE HAWAIIAN ISLANDS.

The VICE-PRESIDENT. The morning business appears to be closed.

Mr. DAVIS. I move that the Senate proceed to the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. HOAR. Before the question is put, I should like to ask the Senator from Minnesota, the chairman of the Committee on Foreign Relations, whether it is his purpose to go on in the morning hour with the Hawaiian matter and then also from day to day proceeding with it after 2 o'clock as the unfinished business, or whether he proposes only to occupy the morning hour, the time before 2 o'clock.

Mr. DAVIS. Mr. President, it is my purpose, subject, of course, to the direction of the Senate, to occupy not only the morning hour, but the entire time as far as the rules of order will permit in the consideration of this most important measure. The measure, in our opinion, is of growing and imperious importance; the necessity for immediate decision is most imperative. Of course in everything that may be done, necessarily the guidance and direction of the Senate will be invoked and submitted to. There will be no disposition, whenever it can be done with any regard to the interests of this great measure, to impede other business or to sidetrack it; but at the same time the necessity must in my opinion be very imperative to warrant me, under the instructions I have received and my sense of duty, in yielding in any ordinary matter.

Mr. HOAR. There are some few conference reports likely to come in, not many. The conference report on the bankruptcy bill, which I have in charge, was presented to the Senate last week and printed in order that it might be understood by Senators before being called up. I do not suppose that report will take a great while. I should be sorry to put it in antagonism with the matter which the Senator from Minnesota justly regards of such great importance. On the other hand, I should be sorry not to have the short time given to it at some convenient period, which I hope will be sufficient to get the sense of the Senate on it. I suppose under the rules of the Senate I have a right to call up the conference report at any moment, and I wish to give notice, therefore, that, without interfering now with the current matter, I shall seek a convenient opportunity to call it up, when I suppose the Senate will be willing to devote a short time to it. I hope a time will occur when perhaps a Senator is not ready to go on or something of that sort.

Mr. WHITE. If the Senator from Massachusetts will permit me, I will suggest that it is the intention that the Senator from Vermont [Mr. MORRILL] shall take the floor upon the Hawaiian matter this morning, and take it at an early hour. If it is as convenient for the Senator from Massachusetts to permit him to do so at an early hour, it will be agreeable, I think.

Mr. HOAR. I gave notice. It was not my purpose to call up

the conference report now, but I only stated that I should seek a time when it would be likely to be the desire of the Senate that I should do so. At some early time I shall desire to call it up, but I do not make the motion now.

The VICE-PRESIDENT. The question is on the motion of the Senator from Minnesota to proceed to the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States. Is there objection? The Chair hears none, and the joint resolution is before the Senate as in Committee of the Whole.

Mr. WHITE. It was stated at a recent meeting of the Senate that I was to address the Senate upon this subject this morning. I will yield the floor to the Senator from Vermont [Mr. MORRILL].

Mr. FRYE. One moment. Mr. President, this is entering upon the consideration of an exceedingly important matter. I sincerely hope the chairman of the committee who has it in charge will insist that there shall be no yielding to any business whatever except that which is absolutely necessary as a war measure; that this matter will be considered to a conclusion; that the Senate will not adjourn at 4 or 5 o'clock in the afternoon, and that it will not wait for any speaker to be ready with his speech, but that it will be contested to the end. I ask for the yeas and nays on the question to take up the joint resolution for consideration.

Mr. WHITE. I rise to a parliamentary inquiry.

Mr. HALE. The joint resolution is already up.

Mr. FRYE. Has the order been made?

The VICE-PRESIDENT. The order has been made.

Mr. WHITE. Then I make the point of order that there is no occasion or propriety in calling for the yeas and nays upon an issue that is dead.

Mr. BERRY. It has already been taken up.

The VICE-PRESIDENT. The joint resolution is before the Senate as in Committee of the Whole.

Mr. JONES of Arkansas. I should like to make a suggestion in this connection. What has been said by the Senator from Maine, and the manner in which it was said, would seem to indicate that he and those who think with him propose to resort to harsh measures at once to push things in their own way. I wish to suggest that the Senator from Maine of course will see to it that there is a quorum in the Senate Chamber all the time when he is enforcing such harsh measures as he now proposes to enforce.

Mr. DAVIS. I call for the regular order.

Mr. FRYE. I have no doubt there will be a quorum in the Senate, as there ought to be at all times.

Mr. WHITE. Mr. President——

Mr. DAVIS. I call for the regular order.

The VICE-PRESIDENT. The Senator from California is recognized. The regular order is demanded and will be enforced. The joint resolution is before the Senate.

Mr. WHITE. I yield to the Senator from Vermont [Mr. MORRILL].

Mr. DAVIS. The yeas and nays have been demanded.

The VICE-PRESIDENT. The Chair did not recognize the call for the yeas and nays. The question had been concluded.

Mr. FRYE. The Chair announced that the joint resolution was up. I did not notice that the announcement had been made.

The VICE-PRESIDENT. The Senator from Vermont will proceed.

Mr. MORRILL. Mr. President, I shall trespass upon the time of the Senate only to state why the annexation of the Hawaiian Islands in time of war is more inopportune than in time of peace, and also to state some of the reasons why I am unable to concur with the learned Committee on Foreign Relations in regard to such an annexation, whether by treaty, by joint resolution, by flagrant Executive usurpation, or in any manner which leaves an open door for their admission into the Union as a State.

The undesirable character of the greater part of their ill-gathered races of population, gathered by contract to long years of semi-slavery by sugar employers, does not warrant and never can entitle them to an equal representation in the Senate of the United States with Virginia and Massachusetts, or with Illinois and Colorado, nor any other State. A new member, as a business matter, ought not to be pushed into the Union without the consent of all the present members. We can be their friend without taking them into our family.

I do not suppose many Senators here will acknowledge that they favor the annexation of the Hawaiian Islands with the idea that they can be at once or ever admitted into the Union as a State. Yet they ought to know that by the terms here presented, copied as they have been from the moribund treaty, they are to be admitted into some back-door vestibule of the Union and may be then admitted as a State at the pleasure of Congress. A square denial and interdiction of this statehood to-day, though embroidered on the breast of a joint resolution or branded on the rump of a treaty, will not bind any future Congress against admission, but might perhaps induce President Dole to inform us that anything less than as an equal to one of the stars of the Union would be unacceptable to him, and it is easy to predict what party would yield. If the islands should be annexed, no matter upon what terms, there would soon be here two men knocking at our doors for admission as Senators. As candidates, they may even now be weary of waiting.

Whether or not we shall at the very next election have to wait until the returns are received from Honolulu to determine who has been elected President of the United States remains to be seen.

This statehood question was elsewhere recently very jauntily disposed of by the suggestion that the islands would probably be found some years hence located as a county in one of our Pacific States. Years ago children were sometimes told that if they would run out to the end of the rainbow they would find a sack of money. Hawaii County will be found in Oregon or California at about the same time the sack of money is found at the tail end of some rainbow.

At my time of life, having no higher ambition than to be right, I greatly regret to find that on the question of the annexation of the Hawaiian Islands I can not quite agree with some of my associates here with whose opinions I have rarely differed, and while knowing how impossible it is to change the views of any Senator, I hope they will pardon my desire to present in open session of the Senate my reasons for opposition to a measure heretofore always rejected by the United States, and, as it appears to me, never so much deserving of rejection as now. I am not unwilling the record should show, if the consistency of any person or party on this question has been broken, that it will not include any record of mine. Let me add that I am, as ever, in favor of holding executive sessions of the Senate with closed doors, but not in favor of a secret session of the Senate for the admission of a State into the Union. That is too important to be wholly concealed from the people.

I shall still vote for an increase of the Navy, but I am opposed to a policy of annexing distant islands that might create a necessity for doubling our naval force, and largely expand the cost of its maintenance, especially when there are no islands worthy of our annexation now unappropriated.

The annexation of the Hawaiian Islands has never been included in any Republican platform. Hawaii was mentioned for the first time in the platform of 1896, and then merely to declare that "the Hawaiian Islands should be controlled by the United States, and no foreign power should be permitted to interfere with them," but this was only the affirmation of the policy the United States has maintained for more than one hundred years.

The Hawaiian annexation scheme hardly belongs to the present Administration, nor to the humanitarian war, and the time may come when even its present boldest advocates may not be unwilling to have it more justly known as an untimely seven-months' offspring of some previous Administration.

The Hawaiian Islands in early days having been the place of rest and of supplies for our whaling vessels while in pursuit of their gigantic game, the American people became interested in the race and were recently surprised by what they were willing to accept as a sign of an advance in their civilization and political prosperity. Accordingly the peaceful dethronement of their Queen seemed a step deserving cheerful acquiescence, although her resignation, it can not be denied, appeared to have been a little too abruptly enticed. When the late President of our Republic, however, with "paramount" authority, set about the Blount restoration of her majesty, even without any civil-service examination, it was so incongruous with any Democratic or Republican ideas that our sympathy for Hawaii became very robust and so unduly excited that annexation appeared to some of our hot and impressible statesmen as not an exaggerated reparation of an attempted great and crowning wrong.

One prominent objection to the pending measure is that the people of neither Hawaii nor of the United States have been consulted or taken into confidence in relation to the impending compact. The promoters have been reluctant to trust the people with it. The country is to wake up next week and find a new but unwelcome member "incorporated," as Mr. Sherman, the Secretary of State, described it, "into the body politic of the United States." At Hawaii something leaked out about it after its final determination. Here the Senate was informed about it after the Secretary had signed the treaty; but even the Senate did not permit itself to discuss it except in secret session until its paucity of votes was disclosed; and it came originally in the form of a treaty, not to hide the fact that a treaty was not a courageous but a cowardly way to bring a State into the Union, as some people thought, but for the reason that the Hawaiian promoters of the compact could fix up their part of it in that way with less lubrication. The authorship of this state paper appears to have been miscellaneous and partly unknown, having been cut and dried in Honolulu, and

yet it was to have been consented to by the United States Senate without subtraction or addition, as the committee reporting it seem to have regarded it as properly inspired and inerrant.

The late Secretary of State, John Sherman, whose eminent services will not be forgotten, in his "Recollections" declares:

> If my life is prolonged I will do all I can to add to the strength and prosperity of the United States, but nothing to extend its limits nor to add new dangers by acquisitions of foreign territory.

That was the way he wished his record to stand if his life should be prolonged. Can anyone believe, if he were now in the seat he so long honored in the Senate, that he would favor the annexation of these islands with all their heterogeneous and vicious incumbrances? I do not. He signed the treaty, but his heart was not there. Secretary Sherman must also have had his reluctance to sign the treaty for the annexation of Hawaii a good deal stiffened by the remonstrance against it which was presented to him signed by 20,000 of the natives.

On our part the annexation of the Hawaiian Islands is only an overdone example of the European colonial system. It belongs to and emenates from the aristocratic school of politics. It has no abhorrence of coolie labor, which is the double cousin of slavery. It covets prodigal expenditures and a big display of power. It does not listen to the still, small voice of peace, industry, and economy, but to the blast of the popular trumpet which would conquer worlds and reign over Hawaii rather than serve in heaven.

My firm conviction, however, is that annexation of distant islands is not in harmony with the Constitution of the United States, but is conspicuously repugnant thereto; nor is it in harmony with the history or even with any of the recorded opinions of our earliest and ripest statesmen. Claiming nothing in consideration of any words of mine, except for the facts here presented, I have yet to hear any sufficient reasons which should induce me to break the consistency of my record of many years' standing against the annexation of distant foreign lands. May I not ask, Has the country ever lamented the rejection of Santo Domingo? Manifestly no. Let me hope that I may never part with my profound reverence for the eminent statesmen who constructed the Constitution of our Republic, and I shall also hope to be pardoned if I should not turn the pictures of the faces of those eminent Americans to the wall, and flout their memory, whose wisdom has guided the great achievements of our country through its first century, although they, "rich in saving common sense," flatly refused the doubtful achievement of annexing distant foreign islands.

The title of the parties now holding the dominion of the Hawaiian Islands is based on conquest without arms, which is better than would have been a title by usurpation, superior to any bargain that might have been made with Liliuokalani, and must now be treated as a de facto Government. It succeeds to the power and estate of its predecessor, and the United States may extend, if it chooses, some favors to Hawaii, as was done long years ago, but can not afford to even seem to profit by the recent conquest. Nor can the United States afford to accept the validity of the title of the present possessors—all they have—while much of the world and so many Senators hold it open to suspicion and dispute, although held to be excellent by most of those who favor annexation, an anyhow annexation.

It has been very ominously hinted that other nations, more ambitious, are eager to take these islands in case of our declination, but this is squarely denied by Great Britain, and, were the islanders to so consent, their ingratitude would diminish my grief were we called upon to say, "Farewell, Hawaii." But Hawaii will never let go of even our little finger, and the ominous hint is of no more worth than it was when made in the case of Santo Domingo, or of St. John, or St. Thomas, or in the case of Hawaii in 1854, or than any other very cheap theatrical thunder.

No other nation can offer Hawaii an equal market for its sugar to that of the United States, and such a market is their great and abiding necessity. Hawaii has nothing, however, to give in return or no market of the slightest importance to reciprocate. England could not renounce and stultify its free-trade policy by imposing duties on sugar, and then, in the same act of Parliament, provide that all sugar imported from Hawaii should be free of duty. Germany and France are both heavily in the sugar industry, and would be the last to nurse and coddle Hawaii in the same line, as that would only compel them to assume the burden we now bear. They may not like us, but they have been taught—

> Heat not a furnace for your foe so hot
> That it do singe yourself.

The Republic of Hawaii, with "all the world before it where to choose," would not commit commercial suicide by the blunder of trying to find a better friend than the United States. No other nation will seek their acquisition so long as we let it be known, as we have done for more than fifty years, that the United States would regard it as an unfriendly act and would resist it.

The personnel of the present Hawaiian Government is guided not only with some skill, but with sufficient "iron and blood" to maintain its independence as a State. I see no good reason for a change. Let us tell them, as we have done for over a half century, "We are your friend, and your independence as a State will have our continued favor and support." If a trinity of foreign powers move to combine, or to galvanize the carcass of the ancient Holy Alliance, as some timid people apprehend, in order to curb the United States, the first crack of the European whip will be the only summons required by Americans for the crisis. Later let the historian record whether empires or republics in Europe have been made stronger or weaker by such a conflict. It is known to be perilous to expose imperial armies to political contagion by contact, even in war, with Republican soldiers.

The fact, however, that we have been so long held as the foremost friend of the Hawaiians makes it difficult for any of us to look upon the question of their annexation with absolute justice to the national interests of our own country. Yet that is what we are here for.

The important question is now presented of the acquisition of this far-away territory—not contiguous, but a straggling litter of islands of volcanic birth, which it is proposed shall somehow actually become an integral part of the territory of our Republic. Annexation, it should be honestly confessed, has not been so much sought after by the natives as by the dominant and more astute aliens, who have been fully acclimated by their very tropical sugar dividends.

It has been wildly asserted by an Eastern attorney that the possession of the Hawaiian Islands by the United States would in time of war contribute largely to the defensive strength of our Pacific coast. How that could be realized, while over 2,000 miles away in the Pacific Ocean, it has not been satisfactorily explained. At present there are no fortifications there of the slightest importance, and with the most lavish expenditures the eight islands could never be made impregnable. Nature has not supplied them with the foundations of a Gibraltar, nor of a Malta, nor of even a Quebec. Major-General Schofield denies that even Honolulu can be defended by shore batteries.

In a report to the Secretary of War May 8, 1873, he makes the following statement:

> Honolulu is the only good commercial harbor in the whole group. There are many other so called harbors or places for anchorage, but they are open roadsteads, affording shelter only from certain winds, and they are all entirely incapable of being defended by shore batteries. Even the harbor of Honolulu itself can not be defended from the shore.
>
> An enemy could take up his position outside of the entrance to the harbor and command the entire anchorage, as well as the town of Honolulu itself. This harbor would, therefore, be of no use to us as a harbor of refuge in time of war.

There is more testimony of this kind, as well as some in conflict, but none of equal authortiy, as the testimony of General Schofield has not become worthless by his becoming a partisan.

But were fortifications possible at Honolulu, of what protection would they be to our cities and ports on the Pacific coast? Instead of being any auxiliary defense, the islands themselves would largely require both naval and military defense.

Perhaps some American statesmen would regard it quite as prudent to first have our numerous ports and prosperous cities on the Pacific and Atlantic coasts receive some defensive attention, and also that the national capital, if not made invulnerable to a long siege, should at least be made safe from a twelve-hours raid up the Potomac by some Admiral Cockburn, and not be left so gunless and unprotected as to tempt the puny aggression of second and third rate powers.

The Hawaiian Islands, if annexed, would prove as barren of military importance as of commercial, which is wholly based on our unfortunate grant of a free market for their sugar, and their annexation would be a source of weakness, and no more desirable for the defense of the Pacific coast than the back side of the moon. As owners it would at once require on our part a large and permanent naval and military force to be stationed there to maintain our mastery, but as an independent state the United States could shield Hawaii from any hostile attack by merely announcing that we were their ally in the support of their independence.

Beyond doubt the islands would be a considerable source of embarrassment and probable discomfiture by multiplying our vulnerable points, as well as by a far more exhaustive addition to our national expenditures. I will dismiss this branch of the subject, and leave it to the judgment of all Senators whether these islands, if annexed, would not in case of war quickly be in the possession of the commander there of the superior naval fleet? But without annexation the Hawaiian Islands would not be threatened. Annexation would alone create the necessity of its preparations for war. If annexation is to be our fate, at least two or three of our vessels of war, including one of our best battle

ships, should be sent forthwith to Honolulu, unless we intend to leave the islands as an easy prize to some idle Spanish gunboat.

The main source of Hawaiian revenue is now from duties imposed on imports, which after annexation would be surrendered. By the proposed treaty the public debt of Hawaii—not to exceed $4,000,000—is to be paid by the United States. The admission of States into the Union has not often been encumbered with a condition that its public debt should be paid by the United States. In this case the debt is less than half the amount we shall continue annually to surrender by the admission of Hawaiian sugar free of duty.

The details of our import and export trade with Hawaii will show its pitiful amount and its worse than worthless character. The total duties remitted by the United States while the reciprocity treaty has been in force amount to over $65,000,000—a big sum for a little trade. The total imports in 1897 were $13,687,787, of which $13,164,379 was sugar and only $523,408 for all other imports. The whole gross amount of imports from Hawaii subject to any duty in 1897 amounted to less than $25,000. Our exports to Hawaii are only remarkable for their slender character, and were, in 1897 only $4,690,075. Of course this adverse balance of the sugar trade against us of $8,987,724 we paid somewhere in specie to sugar-stock owners residing in Honolulu or elsewhere. These oppressive balances occur every year, and annexation can not diminish them.

The annual report of the Hutchinson Company, one of the numerous prosperous sugar companies of Hawaii, sets forth the cost of their sugar products to have been $30 per ton, or a little less than 1½ cents per pound. The price quoted in our market for their sugar has been 3.7 cents per pound. This would leave the sugar producers of Hawaii a profit last year of about $9,000,000, or twice as much as the gross amount of all the United States export trade to Hawaii. If this is not paying too dearly for the whistle, what is it? If any individual were guilty of such dull-witted incapacity, the Government would at once have a guardian appointed. Unfortunately, however, the Senate, it is claimed, is not unwilling to perpetuate forever this preposterous free-sugar folly by annexation, simply because it includes as beneficiaries a small number of former Americans who left their country, settled in Honolulu, have paid taxes there, and are no longer American citizens. We could still give them our good will, but, expatriated as they chose to be, it is asking too much that we shall continue forever to support them in this most prodigal and extravagant style.

If any of our people are expecting to profit by finding or by creating a market in Hawaii for manufactures, they should at once be sent to school where flogging has not become an obsolete method for the correction of the pupils. The trade of the uncultured inhabitants of tropical countries, like that of Hawaii, makes no figure in commerce and rarely pays more anywhere than the cost of its practical protection.

The annexation of the Hawaiian Islands by the United States presents a question of national policy, of constitutional power, and of national honor of the utmost gravity. It is not a new question, but one that has been heretofore always rejected, and by our most eminent statesmen. The islands are not near to the American Continent, but far out in the middle of the Pacific Ocean. President Jefferson regarded the question of constitutional power to annex even the contiguous territory of Louisiana so doubtful as properly to require an amendment of the Constitution, but the irresistible power of the mouths of the Mississippi silenced that question.

However that may be, the Hawaiian question of annexation appears to have been forever negatively determined by the United States in 1843, as was then supposed. At that time our Secretary of State, Daniel Webster, announced the established policy of the United States in relation to the Sandwich Islands in a communication addressed to George Brown, our commissioner to Hawaii, from which I take the following extract:

> We ask no control over their Government nor any undue influence whatever. Our only wish is that the integrity and independence of the Hawaiian territories may be scrupulously maintained and that its Government should be entirely impartial toward foreigners of every nation.

With this declaration from the Department of State, with Daniel Webster speaking for the United States, intended for all time, and sent to our commissioner at Honolulu, and made known to all the world, it might be hoped that no Senator would require a stronger Government pledge to induce him to maintain the good faith of the United States.

Preliminary to this it is known that the ministers of Great Britain and of France had proposed to Secretary Webster to unite in a treaty to bind the three powers to make and preserve the Hawaiian Islands as an independent State. To this Mr. Webster did not consent, as our trade and relations, he thought, made us an exception to other nations; but he was entirely in accord about our consent to the preservation of the full and complete independence of the islands.

Finally the chief secretary of Great Britain and the ambassador of France completed such an agreement in London November 28, 1843, as follows:

> Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the King of the French, taking into consideration the existence in the Sandwich Islands of a Government capable of providing for the regularity of its relations with foreign nations, have thought it right to engage reciprocally to consider the Sandwich Islands as an independent State and never to take possession, either directly or under the title of protectorate, or under any other form, of any part of the territory of which they are composed.
>
> ABERDEEN.
> ST. AULAIRE.

Can anybody suppose that England and France would have bound themselves by such an agreement but for the antecedent pledged word and lead of the United States? How can we, the foremost nation of the New World, while changing our front without a blush or apology about annexing Hawaii as "an independent State," hope to escape the reproach of breaking our recorded word?

In the summer of 1854 our commissioner to Honolulu, Mr. Gregg, advised Secretary William L. Marcy that the Kingdom of Hawaii was on the verge of a revolution and resting on a political volcano; that four British ships of war and four French war ships had just arrived at Honolulu. Annexation, therefore, must be quickly sought or Hawaii would be forever lost. A treaty was asked for and obtained from Hawaii, but as it was to be admitted as a State, with Senators and Represenatives, it was not swiftly accepted by Marcy. The King of the islands did not sign an amended treaty, and in a short time he died. The Prince Royal having ascended the throne, the political volcano disappeared, and so did this embryotic treaty.

After denouncing as forbidden fruit the acquisition of the distant islands of the sea, as we have often done, for which European empires are still so hungry, it appears strange that a change so radical should suddenly blot our past history and present us to the world as eager to acquire even what will be impossible for Americans to assimilate, what will degrade our republican system of government, and can not elevate the general political character of our people.

The formal annexation of the Hawaiian Islands, under a one-man power, under a republic in name, or whatever form of governmental experiment we may choose or be compelled to prescribe, will advertise the final wreckage of the "Monroe doctrine," so long held dear by the American people. Self-respect will compel us to discard and seek a divorce from the glory of a connection with a historic measure to which the public opinion of mankind will at once pronounce us unworthy. We can not afford to denounce and forbid all acquisitions of territory in the Western Hemisphere by European governments, even at the peril of war, and forthwith embark in a thus bedamned enterprise ourselves. If we would have our yet unstained doctrine respected by others, we must scrupulously practice what we preach.

Because several of the larger Eastern nations have been in an expensive and furious catch-as-catch-can naval hunt to seize ports and harbors, or any tidbits of the Chinese Empire, it is not a sufficient reason why the United States should suddenly blot its record by showing how easily we can be seduced by a like besetting sin.

Some tears were shed in the former and confidential part of this debate for the reason that we, unlike European nations, had no colonies nor dependencies and were not alert in the seizure of ports and harbors of China, ostensibly to build up trade and commerce, as all Europe seemed to be doing.

Yet the monopoly of these ports and harbors, for their own exclusive benefit, appeared likely to provoke the hostility of other commercial nations, and therefore a trio of the China reformers, now led by Great Britain, at once agreed to make all these ports as free and open to the whole world as to themselves. The loudly proclaimed overwhelming necessity that the United States should begin to snatch by diplomacy or by force some foreign market place, or annex some foreign islands, or at least twist the tail of the British lion, has been, it now appears, overworked, and all of its varied pathos has fled.

The reciprocity treaty with the Hawaiian Islands of June 3, 1875, was an enormous blunder, greater even than that with Canada in 1854, on the part of the United States, as a brief examination of its practical operation will conclusively show. Thus exempting their sugar from duty by compact we gave to those who were unentitled to it by reciprocity or by furnishing our people with any cheaper sugar the power to annually intercept and take away from us millions of revenue on sugar for which no fair equivalent of commerce or of sentiment has ever been even pretended. To obtain more revenue we had just imposed on sugar extraordinary duties, and the remission of such duties on Hawaiian sugar and molasses, as might have been expected, gave enormous profits to the sugar planters and greatly augmented the Hawaiian production of sugar. Much of the most valuable sugar lands

there were immediately largely monopolized, sugar machinery was swiftly and annually imported, and many thousand cooly laborers from China and Japan were suddenly brought and put at work in Hawaii at the cooly rate of wages.

In 1876 our imports of free sugar from Hawaii were only 26,000,000 pounds, but in 1896 increased to 443,000,000 pounds. The treaty ought long ago to have been terminated or reasonably modified, so as to have remitted not more than 10 or 20 per cent of the duties on sugar, or no more than we may properly remit on the sugar of Brazil or of Germany, where our trade would require and receive some reciprocal advantages in return. Some interested parties in Hawaii might regret a collapse in their present enormous advantages, but our people would not regret to have this unreciprocated and quixotic boon no longer so extravagantly maintained at their cost.

The people of the United States being the largest consumers in the world of sugar per capita, as well as in the aggregate, the great economy of its home production has by them long been anxiously desired. Its production by the cheapest foreign laborers and foreign owners, 2,100 miles away from our shores, and admitted here free of duty, is now a loss of millions per annum of revenue, and enriches only a very limited monopoly in Hawaii. But many people of our States, our own kith and kin, would gladly risk their labor and their capital to establish the sugar-beet culture on their own Western continental homes, and thus we might escape an annual drain to which we have been long subjected to the amount of nearly $100,000,000 to pay for our unequaled sugar consumption. Our home producers of sugar do not want to be confronted forever with the competition of free sugar produced by cooly labor which no American can afford to tolerate, much less to protect, as we are doing and as it is now proposed we shall do forever. Our election of 1896 was not won on a pledge of protection to the sugar production of Hawaii.

The terrible curse of the Hawaiian Islands appears to be incurable leprosy, which is communicable by the presence of the leper, but how or in what manner science has furnished no answer, although kissing has been ascertained to be a perilous exposure. There is no disease to which any portion of the human race has ever been afflicted more to be dreaded than leprosy. Its hateful, loathsome, and contagious features have from the earliest ages stamped its presence with horror. Dr. Morrow has presented a learned and interesting statement of the subject as it now exists in Hawaii, where the residents of no nationality have entirely escaped from the disease, and which he rightly thinks ought not to be kept out of sight should the annexation of the islands ever be seriously contemplated. It has been attempted to suppress the disease by segregation of the lepers at Molokai so long as they live, usually from three to five years, but the number of cases for ten years past, it is claimed, has increased. The expenses for houses, clothing, and food is borne by the Government. The constant decrease of the native population indicates their early extermination. Dr. Morrow also reports that in addition to the 1,200 now segregated at Molokai there are probably two or three times as many at large in whom the disease is latent. Each of these carries with him the seeds of a deadly contagion, and "in the event of annexation," the Doctor says, "it would be idle to think of confining leprosy to the islands, or rather of excluding it from this country by quarantine measures." No; we can only take them, if we take them at all, in sickness and in health, for better and for worse. Any closer connection should not be coveted by us than that we now have. The incomputable incumbrances are there to stay forever. Hawaii once annexed, a divorce would be impossible. Our only security is now to solemnly forbid the bans.

How unfortunate are we that the wonderful value and prodigious importance, military and sentimental, of the Hawaiian Islands had not been discovered earlier, and their annexation pushed prior to our distinct pledge in favor of their "independence as a state" and before we had rejected these and all other like distant islands, and by rather grandly proposing instead to establish the "Monroe doctrine," which we now find more difficult to practice ourselves than it has been to impose upon Europe. Surely Hawaiian annexation would have been less repugnant, less unfortunate, had it been proposed before leprosy had destroyed so large a part of the native population, and especially before the islands had been invaded and so heavily stocked with the Chinese and Japanese contract laborers. Certainly, could these incurable grievances now be removed, the objections to annexation would be less conspicuous, but still formidable, as even then the islands as American dependencies would have had no temptation to the statesmen of the eras of Washington, nor of Jackson or Lincoln.

Less than 3 per cent of the present number of inhabitants in Hawaii are of American origin—not enough to dominate or to boss the 97 per cent of the other nationalities, which could not without too great risk be trusted to self-government, nor even to loyalty to the United States, yet they expect soon, whatever may be the terms of annexation, that they will be full-fledged citizens of an integral part of the Union, entitled to share in governing the United States in both Houses of Congress. To this I am irrevocably opposed.

An examination of the basis of any possible free government in Hawaii, with inhabitants of so many different languages, religions, habits, and traditions, mostly monarchists, presents no encouragement for the creation or permanence of a republican form of government, to which nine out of every ten are theoretically as well as practically opposed. The objections apparent there to suffrage, whether free or limited, seem insuperable. To confine suffrage to the 3,080 Americans alone, including men, women, and children, would hardly be submitted to, except at the point of the bayonet. If the natives were allowed to vote, representing 39,504 (including half-castes and lepers), they might restore the deposed Queen, and it would be queer to treat the natives as no longer citizens but savages after we have been their schoolmasters and missionaries so many years. What the Japanese,* numbering 25 407, with their rights by treaty, would do if allowed to vote we can only guess that they would antagonize the Chinese, who number 21,606. And there are 15,291 of the unreckoned Portuguese. Certainly none of these could ever be safely counted in favor of leaving the "paramount" authority in the hands of the United States, and an army of sufficient strength, with the Stars and Stripes, would therefore be a permanent necessity to shield the islands from insurrections and revolutions.

It has been erroneously suggested by a Boston visitor, if the Hawaiian Islands were to be annexed, that a large multitude of United States immigrants would flock there for settlement. This, to me, seems most improbable. There will be few or no vacancies to be filled by newcomers of any sort. We have no American laborers who could withstand the tropical climate or be tempted from home by the average wages now paid in Hawaii. The small trades and professions are said now to be overcrowded. The outdoor laboring men there now are exclusively Chinese, Japanese, Portuguese, or natives, and equal in numbers to any present or probable future demands. The hot sun and low wages are likely to exclude all others. It would be doubtful whether there could be even a platoon of colored laborers recruited for Hawaiian wages in America. Official positions doubtless have been, so to say, adequately promised to Americans who understand the language made for the natives. The Chinese, Japanese, and Portuguese were brought there by the shipload, and there they are likely to remain forever.

The best of the sugar lands in the valleys and on the sides of the mountains have been monopolized, and after the Spreckels, all other speculators will be gleaners in fields already largely reaped. A considerable amount, however, of sugar lands, only less profitable, can of course be brought into cultivation. Finally, there are no lands outside of the United States, however blessed the climate or however prosperous, even with more industries than one, or however advanced in science and general education or worthy in moral purity, which have ever tempted the American people to emigrate. More than half of our States might have their population quadrupled and suffer nothing from density. We are most unlikely to furnish any country—certainly not Hawaii—with any considerable number of immigrants for a hundred years to come. The only tracks made on our borders are all inward and none outward. Foreign emigrants have come and will come to us in abundant streams from all quarters of the globe, and each one will soon be heard repeating the words of a proud and native-born American: "Thank God! I—I also—am an American."

One gentleman in this debate rests his argument for annexation on his belief that the Chinese and Japanese will be at once driven out of Hawaii by Americans and expatriated. All history will show that this is impossible. The few Americans there now could not do without their labor. No race is ever supplanted except by a hardier one—one that can endure more hours of labor and be content with cheaper and coarser food. The British troops took Quebec, but the Canadian Frenchmen remained in Canada. They are there now, and so is their language. We have had colonization societies for generations, and expended large sums of money in sending away colored immigrants, but wholly without success, because their labor is indispensable here, and it can not be superseded by more acceptable labor. Even the Romans sometimes yielded to the Goths. A small number of the Chinese and Japanese may return to their former homes, but their places will be filled by larger numbers of these most industrious and hardy workers.

The Turks got possession of Thessaly, the largest division of ancient Greece, in the fourteenth century; but Greece, though often favored by other powers, has not recovered the largest and most fertile division of her ancient possessions. Nor will the Asiatics be expelled from Hawaii.

In addition to the American residents, there are 2,250 British and 1,432 German. Most of these respectable people went there only to seek better professional support as ministers, lawyers, physicians, merchants, or as speculators in sugar and real estate.

* Largely increased since 1896.

The numbers there now competing in all these learned and skilled professions and in trade are reported to largely overlap and exceed what can be sumptuously supported as all want to be by their tributary patrons. Annexation would make a little additional room for a few low-priced, sedentary officials, but might also add something to the present excessive competition of this hungry class.

If ever they come under our flag and Constitution their diverse population must be subject to our laws as now recorded, and they are not as flexible as some political platforms, and could not mean one thing in Hawaii and another in California. The provisions relating to citizenship, aliens, suffrage, and homesteads, with all the privileges and penalties in their application, would be likely to get badly tangled: If the islands are ever in the Union as a Territory, then it should be remembered that thin partitions divide Territories or even dependencies from States; and any party numbering one more than half in each House of Congress may admit by resolution these unfortunately leprous islands as a State, with equal power in the Senate of the oldest States of the Union. It would require six months for our most learned committee to frame and fit proper laws to hold the Hawaiian infant territory, and yet we have not even a cradle ready for this expected addition to our American family.

It has also been urged that a harbor and coaling station would be a great convenience to our commerce across the Pacific Ocean. How great that would be, however, can be better estimated by those who know that the Hawaiian Islands lie 18 degrees south and 2,100 miles distant from San Francisco. We now have such a harbor under an irrevocable grant. It is not probable that any harbor would ever be denied to us in time of peace; and in case of war the strongest naval power would keep or take whatever it chose to have. Pearl Harbor could be made of immediate use at a very inconsiderable expense by the removal of a coral reef which now obstructs its entrance.

The American whaling fleet, which formerly was in the habit of calling at Honolulu for supplies and repairs, is now but little more than a memory of the past. In 1870 the number was seventy-one, and in 1895 only six of such vessels were seen at Honolulu, and in 1896 only two. Under our flag we have more than one-half of their trade, and several foreign flags, including the subsidized British, obtain the remainder. But the whole import trade is insignificant, as I have already shown, and the consumption of American manufactures by natives or residents of Hawaii will never make it otherwise. Their earnings are too restricted, combined with Asiatic habits, to create valuable consumers. No country is likely to add much to the value of domestic or to foreign trade where the native women go barefoot, eat fish raw, and strive to witch the world on horseback with each foot in a stirrup.

It has been the happiness of the Republic of the United States that it has long and very distinctly had the benefit of a contrast with aristocratic empires and monarchies in relation to colonial dependencies. These arrogant aristocracies nurse their pride and dazzle their subjects with the obedience and enchantments of distant colonies and dependencies, but their condition is now, or was recently, on exhibition by their paternal and maternal wars and rumors of wars in India, North and South Africa, Madagascar, Egypt, China, Philippine Islands, and Cuba.

These perennial colonial flagellations, or life struggles of colonies and dependencies which refuse to stay conquered, require the increase of big home armies and bigger navies, which can only be maintained by the biggest taxes. The aristocratic empires push the inexorable demand of three to five years of the life of all their young men in military service, and then to be ready for further service until emancipated by the decrepitude of old age. These large standing armies threaten their neighbors, and their neighbors threaten everybody else by an increase of their battle ships. Boundless public debts and double and twisted taxes leave their people poor, with no hope that these grim and stubborn exactions will ever be less.

Hitherto the statesmen of our Republic have kept clear of colonies and dependencies, for it need not be admitted that Alaska is an exception, nor that it is ever more likely to become one of the United States than any other part of the yet unappropriated North Pole. Our young men of the Republic are at school, or at work on the farm, or busy somewhere learning a trade or a profession from which they may derive a livelihood or the comforts of an independent home. They are not impressed for the Regular Army, which is so small as to be almost invisible, and wholly composed of volunteers. Two-thirds of our rebellion debt has been paid, and we fully expect to pay the remainder, and that it will speedily grow less.

The historic policy of the Republic of the United States for the hundred years just passed, based as it has been upon the sound doctrine promulgated by Washington in his Farewell Address with words of perennial wisdom against foreign entangling alliances, has taken root in the hearts of the American people, where it is treasured up as their political Bible and can not now be "mocked at" as merely an ancient tradition. Its acceptance has made the nation great, made it respected. If our fidelity to the well-ripened statesmanship of the Father of his Country shall be perpetuated for the next hundred years as in the past, the honor, prosperity, and power of our Republic, it may safely be predicted, will light and lead all the nations.

During the delivery of Mr. MORRILL'S speech,

The VICE-PRESIDENT. The hour of 2 o'clock has arrived, and the Chair lays before the Senate the unfinished business, which is the bill (S. 3698) for the restoration of annuities to the Sisseton and Wahpeton bands of Dakota or Sioux Indians.

Mr. DAVIS. I move that the unfinished business be laid aside, and that the Senate proceed with the consideration of the pending joint resolution.

Mr. WHITE. Laid aside temporarily.

The VICE-PRESIDENT. The motion of the Senator from Minnesota is that the unfinished business be laid aside——

Mr. PETTIGREW. That it be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Minnesota asks that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

Mr. DAVIS. And that the Senate proceed with the consideration of the pending joint resolution.

The VICE-PRESIDENT. And that the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States be proceeded with. The Chair hears no objection. The joint resolution is before the Senate, and the Senator from Vermont will proceed.

After the conclusion of Mr. MORRILL'S speech,

Mr. WHITE. Mr. President, I yield to the Senator from Georgia [Mr. BACON].

Mr. BACON. Mr. President, I presume it will be recognized by all that there can be no more important question than this before the country to-day. It is not simply the question of the annexation of a very small piece of territory, but, considered with reference to the merits of the case, it is one which involves the utter revolution of the practice and traditions of our Government with reference to its benefits to the people and the obligations which it lays upon them.

It is not my purpose at this time to discuss the general merits of this proposition. I am inclined to address the Senate at this time because the particular branch of the discussion to which I shall direct my attention is one which goes to the root of the matter and which ought, if my contention is correct, to control the action of the Senate.

Before proceeding with it, I think, however, I may be excused for remarking that certainly this is a strange presentation to the country, that in a matter of such gravity, that in a matter of such wide-reaching importance, the advocates of the measure have nothing to say. Ordinarily in measures of importance which come from the Foreign Relations Committee we have a report. In this instance the committee have not even honored us with a report. Ordinarily not only do we have a report, but we have from the chairman of that committee or some member representing the committee an elaborate presentation of the reasons why the legislation is recommended by that committee. But here we have neither report nor presentation. We have simply presented to the Senate a bill which has been passed by the House, and without report and without discussion those who hold to the affirmative ask the Senate to act. It is as if, confident of a majority, they should say, "We propose to do thus and so, right or wrong, and give no reason for it; and what are you going to do about it?" That is the attitude which the committee occupy in coming before the Senate.

Mr. President, as I stated, it is not my purpose to discuss the general merits of the proposition to annex the islands of Hawaii, certainly not at this time; but I propose to present to the Senate a proposition and to ask that they may give me their attention while I discuss it, which, if it be true, as I have previously said, ought to control the action of the Senate and make them say that they will not pass the bill which the House has sent to us.

The proposition which I propose to discuss is that a measure which provides for the annexation of foreign territory is necessarily, essentially, the subject-matter of a treaty, and that the assumption of the House of Representatives in the passage of the bill, and the proposition on the part of the Foreign Relations Committee that the Senate shall pass the bill, is utterly without warrant in the Constitution.

Mr. JONES of Arkansas. As the Senator from Georgia is about to enter on the discussion of a very material question in connection with this important measure, and as it is manifest there is not a quorum present in the Chamber, I make the point that there is no quorum.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The Senator from Arkansas suggests the absence of a quorum.

Mr. BACON. I desire to say that I do not particularly desire

to have the roll called, but at the same time I think it very proper that gentlemen should be here.

Mr. GALLINGER. Let the roll be called.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Fairbanks,	Lodge,	Roach.
Bacon,	Foraker,	McEnery,	Sewell,
Baker,	Frye,	McMillan,	Shoup,
Bate,	Gallinger,	Mallory,	Spooner,
Berry,	Gear,	Mantle,	Stewart,
Burrows,	Gorman,	Mills,	Teller,
Carter,	Hale,	Morgan,	Tillman,
Chilton,	Hanna,	Nelson,	Turley,
Clark,	Hansbrough,	Pasco,	Turner,
Clay,	Harris,	Penrose,	Warren,
Cockrell,	Hawley,	Perkins,	Wellington,
Cullom,	Heitfeld,	Pettus,	White,
Daniel,	Hoar,	Platt, Conn.	Wilson.
Davis,	Jones, Ark.	Platt, N. Y.	
Deboe,	Jones, Nev.	Pritchard,	
Elkins,	Kyle,	Rawlins,	

Mr. DAVIS. The Senator from Oregon [Mr. MCBRIDE] is necessarily absent from the Chamber, on account of illness.

Mr. WHITE. I was requested to state that the Senator from Louisiana [Mr. CAFFERY] is unavoidably detained by illness. He hopes, however, to participate in this matter later on.

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum is present. The Senator from Georgia will proceed.

Mr. JONES of Arkansas. Will the Senator from Georgia yield to me for a moment?

Mr. BACON. Certainly.

Mr. JONES of Arkansas. I made the point a few minutes ago that there was no quorum present. Senators are aware what occurred on the floor this morning and the assurances we had that Senators would take sufficient interest in this question to keep a quorum present in the Senate Chamber. All those who took the pains to notice saw that there were very few Senators present during the whole of the proceedings this morning.

Now, I insist that, if the rigid methods are to be enforced we were notified of this morning, Senators ought to be in the Senate Chamber and hear these arguments. I have no desire to call for a quorum for the purpose of delay nor for the purpose of having the roll called. I do not want to do anything of that sort. But I insist that Senators shall remain in the Senate Chamber during these proceedings, and when there is manifestly no quorum present in the Senate Chamber I will consider myself bound to make the point that there is no quorum. That Senators may be in the committee rooms and in the smoking room, paying no attention to what is going on in the Senate, is not a compliance, as it seems to me, with the requirements of the situation.

Mr. WILSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Washington?

Mr. BACON. Certainly.

Mr. WILSON. If some of us on this side are to be embarrassed by what the honorable Senator from Arkansas has stated, I earnestly hope and trust that the chairman of the Committee on Foreign Relations will at the earliest moment possible, in accordance with the rules of the Senate, if such be necessary, make a motion that we proceed to a continuous session upon this question. If the gantlet is to be thrown down by the opposition here and now, we might just as well take it up ourselves.

I propose to stay here if others do, and I think I can stay as long as the Senator from Arkansas can stay, but I do not want to inconvenience any Senator. Occasionally we are called from the Chamber, and we are within calling distance, and if this open threat is made against the convenience and comfort of Senators now in the first hour of this debate, this side and those in favor of annexation might as well know it first as last. Let a motion be entered to proceed with a continuous session and see how long some of the others can stand it.

Mr. JONES of Arkansas. Will the Senator from Georgia yield to me?

Mr. BACON. Certainly.

Mr. JONES of Arkansas. That is exactly in keeping with many other things that are being said and done on the other side of the Senate Chamber. Your side made this statement. Your side told us that the convenience of Senators would not have any attention paid to it; that there would be no adjournment because Senators were not ready to make speeches; that we were to be kept in session all the time. I replied to that this morning that whenever that was required the gentlemen who were insisting on remaining in session would, I suppose, be good enough to stay in their seats. So far as I am concerned, I insist on that being done, and no suggestion or threat of a continuous session will keep me from doing what I understand to be my duty in the premises.

Mr. WILSON. Mr. President, if the honorable Senator from Georgia will permit me, I have made no threat, and I have no right to make any threat. Whatever threat has been made here has been made by the Senator from Arkansas [Mr. JONES].

Mr. BERRY. If the Senator will permit me, the Senator from Maine [Mr. FRYE] made a threat this morning.

Mr. WILSON. The Senator from Maine came in this morning—if I may be permitted to enter a word for the Senator from Maine, who is amply able in this matter to take care of himself—and did not know, as I understand, that by unanimous consent the joint resolution had been called up, and was then pending. He intended to make a motion, and was not present at the exact moment when the consent was given, and made some remarks.

This thing can be conducted along with kindly consideration for all Senators, but I have heard the Senator from Arkansas during my term in the Senate over and over and over again say this sort of thing. We are entitled to some consideration. We have been here during the entire session, and we can stay here just as long as the other side can stay here. They commenced on this matter last Friday, and wanted to adjourn from Friday until Monday. Now they want something else; and that is going to be the plea from time to time, so that the majority shall not control this matter.

Mr. HALE. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The Senator from Georgia [Mr. BACON] is entitled to the floor.

Mr. WHITE. I ask the Senator from Georgia to yield to me for a moment.

Mr. BACON. I yield to the Senator.

Mr. WHITE. Mr. President——

Mr. WILSON. I call for the regular order, Mr. President.

Mr. HALE. I hope the Senator from Georgia, if he has the floor, will go on with his speech.

Mr. WHITE. I do not know that the Senator from Maine has any particular right, when I occupy the floor, to call on the Senator from Georgia to do something that may gratify the whim of the Senator from Maine.

Mr. WILSON. He did not do it on your account.

Mr. WHITE. I am glad to see there has been another unparliamentary exhibition from the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington [Mr. WILSON] really has the floor with the consent of the Senator from Georgia [Mr. BACON].

Mr. WILSON. The Senator from Georgia yielded the floor to me, but the Senator who takes charge in this body of all things called for the regular order while I was making some observations, and of course I immediately, when the Senator from Maine made that point, took my seat, because I could not think of being contrariwise or opposed to the honorable Senator from Maine, who has in charge the entire parliamentary proceedings of this body.

Mr. HALE. I am glad the Senator is so——

The PRESIDING OFFICER. The Senator from Georgia [Mr. BACON] has the floor.

Mr. WHITE. The Senator from Maine does not wish to insist on his point.

Mr. HALE. My only object, Mr. President, was——

Mr. WILSON. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The Chair will state that the Senator from Washington [Mr. WILSON] was only taken off the floor by his own willingness to yield.

Mr. WILSON. The Chair understands that the Senator from Maine [Mr. HALE] interrupted me in my remarks. I accordingly took my seat because that Senator called for the regular order. I insist now on calling for the regular order on the Senator from Maine.

Mr. HALE. I did not call for the regular order until I thought the Senator had yielded the floor and was sitting down.

I think there is nothing to be gained by the kind of controversy which has occupied the Senate for the last fifteen minutes. It is a very serious subject which is before the Senate. This morning—there was no skirmishing, there was no filibustering, there was no opposition upon either side—the Senator in charge of the joint resolution asked that it be laid before the Senate, and by unanimous consent that was done.

The Senator in charge stated that he proposed, so far as in his power lay, that the discussion upon the subject-matter and its merits should proceed; that he would not give way unless some necessary business intervened, upon which by unanimous consent—no jangling, no controversy—the venerable Senator from Vermont [Mr. MORRILL] addressed the Chair and the Senate in opposition to the measure. When he concluded, another Senator took the floor for discussion.

My object in calling for the regular order was that the discussion shall proceed in a dignified way by Senators for and against this proposition. I repeat, I think nothing is gained for either side, nor for the Senate before the country and the world, by any discussion back and forth as to who is to blame for something

that is said that may be exciting and exasperating. Let the discussion proceed upon the merits of the case. My object in calling for the regular order was that it might so proceed. Of course, it is the fashion, and it has been the practice of the Senate, for a Senator having the floor to yield for any purpose; but I do not think, when the rule is rigidly applied, that a Senator can do that.

A Senator may yield for a question as to something in the line of his argument, but it never in this body has been assented to that a Senator may divide his time and portion it out, giving five minutes to one Senator and ten minutes to another, upon subjects-matter nobody can tell what they may be. The regular order, in my view of the rules, is that a Senator having the floor shall himself proceed, and that he shall not farm out the time and allow other Senators to come in with controversies outside of his own speech.

Having said this, I am entirely willing to withdraw the point of order. If Senators do not agree with me that it would be better for this discussion to proceed in a dignified way, without either side reproaching the other when we have embarked upon it in a dignified way, I have nothing further to say.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. BACON. Yes, sir.

Mr. WHITE. Of course the rule stated by the Senator from Maine may be perhaps technically good, but it should scarcely be invoked by him after the eloquent address which he has made in violation of the solemn principle which he has so graphically described.

So far as those who are opposed to annexation are concerned, I believe there has not been shown the slightest disposition to harass the discussion of this question. This morning, when the Senator from Minnesota [Mr. DAVIS] made the proposition to proceed with it, there not only was no opposition to what he said he intended to do, but I suggested that he bring the matter before the Senate at as early an hour as possible to permit the Senator from Vermont [Mr. MORRILL] to speak. I stated so on the floor, and I told the chairman of the committee so personally. After that had been done my very able and distinguished friend from Maine [Mr. FRYE] made what seemed to me to be a semisanguinary statement, which stirred up, naturally, the feelings of a great many Senators who had not done anything to warrant censure, but who, it seemed, in advance were to be censured.

I did not think the Senator from Maine had any very ulterior design in view; and I thought perhaps if he invoked the extreme measures which he to some extent threatened, that would be in the future, when some evidence had been displayed of an attempt to unduly procrastinate this debate; but when that statement was made, it seemed to me—though it was probably a mistake on the part of those who thought that way—to be a threat that some new rule or supposed rule was to be invoked, and that we would be forced from the beginning to proceed during unusual hours. This debate has just commenced to-day, and by unanimous consent it has commenced to-day, and there has not been one vote to-day, or any other day, against commencing this debate to-day, as it has been commenced.

I thoroughly agree that we should proceed, as we ought to be able to do, in a good-natured way, and if there is anything done hereafter to indicate the necessity of prolonged sessions it may be that we will have such sessions; but we have had quite a lengthy and a very able presentation of the matter by the Senator from Vermont [Mr. MORRILL] and we are now to have another from the Senator from Georgia [Mr. BACON], and I certainly hope that this record will not be made up on the suggestion that we have initiated any threat. I feel confident that, for whoever that threat was intended, the Senator from Maine will not deny, now that he is in the Chamber, that he made it.

Mr. FRYE. Mr. President, I do deny that I made any threat whatever. There was a proposition made on the floor of the Senate the first thing this morning that the bankruptcy bill should be taken up. Anybody who has heard the discussion of bankruptcy bills in this Senate knows perfectly well that there could be a week's debate on that conference report.

Mr. JONES of Arkansas. Who made it?

Mr. FRYE. The Senator from Massachusetts [Mr. HOAR].

Mr. WHITE. It was not suggested by anything that occurred on this side of the Chamber.

Mr. HOAR. I made no such suggestion, and the Senator from Maine is as absolutely mistaken as he ever was in his life.

Mr. FRYE. Then I will say that I understood the Senator from Massachusetts to make the suggestion that he would call up the conference report on the bankruptcy bill; and that was what suggested to me to say that this measure was important, and I hoped that the chairman of the Committee on Foreign Relations, who had it in charge, would not surrender to any legislation, except absolutely necessary war legislation. There was no threat in that. I then added that I hoped he would hold the consideration of this resolution without adjourning at 4 or 5 o'clock. That I said. Then I said I hoped he would not feel that he was under the necessity of consulting the convenience of a Senator in relation to the time in which he should speak.

That was all that I said about the matter. There was no intention of threat, and there was no threat at all in what I did say.

Mr. WHITE. The Senator from Maine by making the statement, and not elaborating it to show that, instead of its being directed against those who are opposed to the annexation of Hawaii, the fire was wholly centered upon the Senator from Massachusetts, did not do either himself or ourselves justice.

Mr. WILSON. Now, Mr. President, I call for the regular order.

The PRESIDING OFFICER. The Senator from Georgia [Mr. BACON] is entitled to the floor.

Mr. HOAR. Will the Senator from Georgia yield to me?

Mr. BACON. I have got so much in the habit of yielding that I think I will do so with great pleasure.

Mr. HOAR. Mr. President, this measure has been twice taken up to the exclusion of ordinary business and against the regular order of ordinary business by unanimous consent—once at the close of the routine business, and again at 2 o'clock. At 2 o'clock it was taken up, to the temporary exclusion of a measure in charge of the Senator from South Dakota [Mr. PETTIGREW], who, it is rumored, is an opponent of the annexation of Hawaii, I believe—I am not at liberty to state what I have heard him state on the subject, but there is such a rumor. So I think that those who are in favor of the annexation of Hawaii have no right to complain that its opponents have treated them unfairly or discourteously or have manifested any intention to interfere with their plans for the conduct of the business.

I stated to the Senator from Minnesota [Mr. DAVIS], when he made his request, that I hoped, the conference report on the bankruptcy bill having been made on Friday last, with the notice that it would be called up early this week, if there came an opportunity during the discussion at some time that it might be taken up if it turned out that it would not take much time. That is all I said.

That is what provoked the Senator from Maine, as I understand now, to make what everybody else in the Chamber, I think, but himself construed as a threat. The Senator, with great earnestness and passion of manner, demanded the yeas and nays first on a vote which had already been taken, which did not indicate his usual plainness of perception of what had been going on, or his usual application of the rules of parliamentary law. Then he proceeded to say that he hoped this debate would be so conducted by the chairman that we should not adjourn at 4 or 5 o'clock in the afternoon; that he should not give way to any business except necessary war business—if he made that limitation, and he thinks he did; I thought that limitation was made by the Senator from Minnesota [Mr. DAVIS], but that is immaterial—and that no Senator's convenience as to the time of making his speech should be consulted. If that is not a threat, or at any rate the expression of a desire of a very unusual and harsh method to be pursued in conducting a debate, I do not know what is.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. BACON. Yes, sir.

Mr. TELLER. Mr. President, I rise really to a question of order. In the first place, I think this is a good time to do it, because I know that the Senator from Georgia is not sensitive about occupying the floor at this moment.

The Senator from Georgia appears to have the floor; and he has yielded for some temporary purpose. That has been the custom in the Senate for many years, as a parliamentary practice well recognized here. But, Mr. President, when the Senator from Georgia took his seat and did not promptly rise when the interruption had ceased, he had lost his right to the floor.

Mr. BACON. I am perfectly willing, Mr. President, for the Senator from Colorado to proceed if he desires.

Mr. TELLER. If any other Senator had taken the floor, he would have been entitled to proceed. He could not have been speaking by the consent of a Senator who is in his seat.

I notice that the Chair, whenever Senators rose to speak, addressed the Senator from Georgia with the request whether he yielded, the Senator from Georgia being in his seat. A Senator who desires to address the Chair has the right to assume that under such circumstances a Senator has left the floor, and the Senator rising may address the Chair, and the Chair should recognize him.

It has been the custom in the Senate for many years that a Senator who has the floor should yield for an interruption, and that has been one of the things which have made service in the Senate extremely pleasant. Sometimes he would yield while he was making a speech to another Senator who had a pressing matter which he wanted to take up, like a resolution, or perhaps a short bill, or something of that kind, and it has been recognized that he is entitled by the courtesy of the Senate to go on when the Senator who interrupted him had concluded.

No Senator would ever think of interrupting another under those conditions; but yet, strictly speaking, according to parliamentary rule, the Senator yielding the floor had lost it. No Senator can call for the regular order when a Senator is on the floor discussing any question in the Senate, because he is not required under the laws of the Senate to speak germanely to the subject under consideration, and he can not be interrupted unless he is speaking out of order, as suggested, or is committing some impropriety or some violation of parliamentary ethics or parliamentary rule; but the fact that he is speaking about something else than the bill under consideration does not entitle any Senator to call him to order. Every Senator is supposed to have judgment himself upon all such questions and to discuss whatever he thinks is proper. The great liberty of debate which here exists has been one of the things which has also made service in this body pleasant.

Mr. President, I only mention this for fear there will grow up a feeling here that a Senator who gets the floor and does not proceed to make a speech has any claim to the floor, or that he is under any obligation to go on and make a speech. He may decline to make a speech after having given notice that he intended to make it. It may embarrass others, who are not prepared to go on, and all that, and sometimes retard the business of the body; but that is one of the rights of a Senator. No one can say, "I insist now that the Senator from Georgia go on," if he does not wish to go on.

I have said this because I thought it was a good time to do so. If the Senator from Georgia had been himself pressing, I would not have said this at all.

I believe we can go through this debate in a Senatorial way. The question is one of a good deal of importance, about which some of us have a great deal of feeling. I myself have. I am so decidedly in favor of this joint resolution, and so thoroughly impressed that the interests of this country require its adoption, that I should be willing to vote right now, without a word of explanation or any defense of my vote, which I have not had an opportunity to make, except in executive session; and yet I would not deny, upon a great question like this, to every Senator who does not agree with me the right to present his views. There can be no such haste in coming to a conclusion in this case as to justify the American Senate in taking any unusual course and departing from the well-established and well-regulated rules of this Senate—not all of which are in a book, but rules which are well understood by members of this body who have served here for a good many years and which, I can say, are universally obeyed in the Senate.

One of the cardinal rules here has been that every Senator's convenience, even though it may lead to delay, shall be consulted. Of course if the request for delay is for the purpose of postponement, for the purpose of preventing a vote, then the Senate has the right to insist upon speedy and prompt action; but it has always been the custom since I have been a member of the Senate, when a Senator rose in his seat and said he was not prepared to go on, to give him time, especially when there is no constitutional limit as to the length of the session, as is the case now.

I should be delighted, Mr. President, to have a vote this week on this proposition; but I should not be willing to vote on this proposition this week if the members of the Senate who desire to discuss it have not had a fair opportunity to do so.

The PRESIDING OFFICER. The Chair will state that, under strict parliamentary law, he understands when a Senator yields the floor to another for a speech, of course the Senator originally having the floor loses his right to the floor. The custom, however, has grown up that when a Senator begins a long speech and yields for collateral matters, he retains the floor, and the Chair has simply respected that custom. The Senator from Washington [Mr. WILSON] was taken from the floor not by any order of the Chair, but by his own consent.

Mr. WHITE. Under duress, as I understand.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia [Mr. BACON].

Mr. WILSON. The Senator thought I was through. Perhaps I should have finished a little bit earlier, but it was no fault of the Chair or of anybody else that I lost the floor, and I do not care anything about it.

Mr. BACON. All this very pleasant episode was occasioned by an act of courtesy on my part, which I did not anticipate would consume so much time. I simply yielded to the Senator from Arkansas [Mr. JONES] in order to make the statement that he had not called for a quorum for the purpose of delay, and I thought that would be the end of it.

Mr. President, the Senator from Colorado [Mr. TELLER] says that he would be very glad to vote on this question to-day; that his mind is made up. The Senator from Colorado is one of the Senators whom I am anxious to speak to to-day, not because I believe I can change his mind or his opinion on the general merits of this question, but because I desire to ask him and all Senators, especially those who are lawyers, to consider the question whether or not they have the right, under their constitutional obligations, to vote for this resolution, however much they may favor the annexation of Hawaii.

Mr. TELLER. Will the Senator permit me to answer that now?

Mr. BACON. I beg that the Senator will hear me before he answers.

Mr. TELLER. I want to say that I will hear the Senator, but the Senator is not to understand that I have not myself considered this question very carefully. I will hear the Senator, of course.

Mr. BACON. Mr. President, of course I do not presume that the Senator from Colorado had not considered this question, but we are here for the purpose of interchanging views. I have great confidence in the Senator from Colorado, and am gratified by the fact that I seldom differ from him, and I shall be more than gratified if we can get together upon this question.

I assume that Senators will not vote for a resolution if they can be satisfied that it is unconstitutional. I assume that they will not vote for an unconstitutional resolution which directly impairs and strikes down one of the highest prerogatives of the Senate; and it is to that question that I propose to address myself to-day and upon which I am extremely anxious to have the hearing of Senators who favor the annexation of Hawaii.

The proposition which I had stated before the interruption was this: That a joint resolution for the annexation of foreign territory was necessarily and essentially the subject-matter of a treaty, and that it could not be accomplished legally and constitutionally by a statute or joint resolution. If Hawaii is to be annexed, it ought certainly to be annexed by a constitutional method; and if by a constitutional method it can not be annexed, no Senator ought to desire its annexation sufficiently to induce him to give his support to an unconstitutional measure.

I trust, Mr. President, that the time has not come when a Senator can not appeal with confidence to his fellow-Senators in opposition to a measure on the ground that it is unconstitutional. It matters not how important it may be that Hawaii should be annexed, it matters not how valuable it may be, it will be too costly if its price is the violation of a great fundamental provision of the Constitution of the United States.

Mr. President, it is a painful fact that not only people at large, but officials are losing to some extent the reverence which they ought to have for constitutional obligations. It is a matter of a smile with some when you oppose a measure on the ground that it is unconstitutional, and I confess that I have been pained when I have heard, as I have heard in this Chamber, learned and distinguished Senators say that they would approve and applaud the action of the President of the United States if he would seize Hawaii and run up upon it the flag of the United States, and take possession of it as the property of the United States as a war measure.

I say I have been pained when I have heard that, as I have heard it in this Chamber from very learned and very distinguished Senators, and I have been more than gratified that the President of the United States has not suffered himself to be guided by such foolish and such unwise counsels. If he had done so, every lover of his country must have been grieved that such a blow had been stricken at the integrity of the Constitution.

Mr. President, it surprises me that I even have to mention such a proposition; but if the President of the United States can in time of war, or at any other time, without the action of Congress in the performance of its constitutional functions, take possession of the territory of a friendly power, proclaim it as the territory of the United States, run the flag of the United States up over it as the insignia of its power and its dominion—if he can do so in one case, he can do so in any.

If the President of the United States can do it in the case of Hawaii, he can with equal propriety and legality do it in the case of Jamaica, and I repeat that I am more than gratified, although my apprehensions were aroused by the source from which those intimations came, that the President of the United States has not seen proper to listen to their unwise counsels.

And yet, Mr. President, if my view of this question is correct, the President of the United States would have as much power to take possession of the Island of Hawaii by a proclamation as would the Congress of the United States have the power to gain possession of it by a joint resolution of the two Houses. The powers of the executive department and the legislative department are as distinctly divided the one from the other as are the powers of the judicial department and the legislative department.

There are two kinds of law which are recognized by the Constitution of the United States and which are provided for by the Constitution of the United States, and each of these kinds of law is termed in the Constitution of the United States the supreme law of the land. One class of these laws is statute law, and it is provided that statute law shall be enacted by Congress; that statute law shall be made by a majority vote of the House of Representatives and of the Senate, with the approval of the President, or

that it may be made, in case of the disapproval of the President, by the two-thirds vote of the House of Representatives and the two-thirds vote of the Senate, overriding his veto, and that law, when made, is declared by the Constitution of the United States to be the supreme law of the land. In the same way the Constitution of the United States declares that there are other laws which are also supreme, and those laws are made as treaties. The Constitution of the United States in the same section declares both of these as the supreme law of the land.

The Supreme Court of the United States in construing the question of supremacy has ruled that each is supreme. It has ruled that a treaty may be nullified by a statute and that a statute may be nullified by a treaty, and that where they come in conflict the question of the later is the one invoked to determine which shall prevail. As to those two classes of law, each one of them supreme, there is provided in the Constitution an entirely distinct method by which they may be enacted or made. I have stated the manner in which the statute law is made. Now, in an entirely different manner, the Constitution of the United States declares how a treaty, which is also a supreme law, shall be made. It declares that a treaty must be made by the President of the United States, by and with the advice and consent of two-thirds of the Senate present. I am not quoting literally, but stating it substantially.

I ask the attention of Senators to this most marked provision in the Constitution of the United States and the two distinct classes of law, each of them declared by the Constitution to be supreme, each of them declared by the Supreme Court of the United States in construing that provision to be equally supreme with the other, which are made and enacted in specific ways in the manner pointed out in the Constitution, one totally different from the other. Is that provision of the Constitution a vital principle? Does it mean anything? Is it possible that the power which is clothed by the Constitution with the authority to make one class of laws can make the other class of laws?

Is it possible that the power which is conferred upon the Congress of the United States, the lawmaking power, the Senate and the House, with the approval of the President, can be used to make that other supreme law which the Constitution says shall be made in a different way, to wit, by the President, with the advice and consent of the Senate? If it is possible for the House of Representatives and the Senate and the President, acting in the lawmaking capacity, and known generally in the Constitution as Congress, can make a treaty, and in so making it make it the supreme law of the land, then this joint resolution is constitutional. But if it be true that when the Constitution devolved upon the President and the Senate the power to make treaties it denied to the Congress of the United States the right to make treaties, then the joint resolution is necessarily unconstitutional, as I shall endeavor to show.

Mr. President, the Constitution gives to the President the power to appoint all officers of the United States by and with the advice and consent of the Senate. If Congress can by statute make a treaty, why may it not by a statute make an ambassador or a chief justice or a general of the Army?

Mr. President, there are two ways in which the provision in the Constitution conferring upon the President of the United States and the Senate the power to make treaties can be absolutely nullified. One is the manner I have suggested, by Congress openly and boldly assuming to make a treaty; and if constitutional restrictions are not to be respected, if no man is bound by the Constitution, if a Senator or a Representative, because forsooth he may be in the majority can effect his purpose by overriding the Constitution and disregarding it, then that is the simplest way to do it. There is still another way in which this provision in the Constitution can be nullified, and that is by undertaking to put into the form of a statute that which in reality is a treaty. Now, one method is just as effective as the other, and either method is as absolutely illegal as the other.

Before going further in that line of argument, in order that I may have the attention of Senators and that they may not think there is an answer which I do not recognize, I desire to say that I of course fully understand the argument which is made in reply that the State of Texas was admitted in this way. I can not stop to interrupt the thread of the argument at the present point to show that that reply is not a good one. Not to elaborate it further, I will merely state that it is the distinction between the authority of Congress to admit a State, to do which it is given the power in words in the Constitution, and the power to acquire foreign territory not for the purpose of making it a State, which, as I shall endeavor to show, is essentially and necessarily the subject-matter of treaty between two governments.

Mr. President, when the framers of the Constitution put the word "treaties" into the Constitution without any other defining words or without any limitation, is it to be supposed for a moment that they did not recognize the fact that the term "treaties" had a distinct, legitimate, necessary, well-understood meaning? Is it to be supposed that they for one moment contemplated that when the question came up whether a certain measure which involved a negotiation and agreement between this country and another should be accomplished in the way it provided, through a treaty by the President and the Senate, or whether it should be remitted to Congress, that the question of the form of the measure would control?

Is it to be supposed for a moment that they supposed that that which is essentially a treaty, and which they had provided should be made only by the President and the Senate, would be by any species of legislative legerdemain converted into the form of a statute, and another power or department of the Government, which had had distinct powers conferred upon it and which had been denied this power, would usurp it and that its usurpation would be recognized?

Mr. ELKINS. Will the Senator from Georgia allow me to interrupt him?

Mr. BACON. Certainly.

Mr. ELKINS. Does the Senator admit now that Congress can admit a State into the Union?

Mr. BACON. Undoubtedly.

Mr. ELKINS. And it admitted Texas?

Mr. BACON. Yes; but I will say to the Senator that I am coming to the distinct discussion of that branch of the case.

Mr. ELKINS. I merely want to put this question——

Mr. BACON. And I would be very glad if the Senator would pretermit the question until I reach that point, and I shall be very happy at that time to take it up. I am now discussing another line. I am coming to the question of the power to admit States, and that will be the time for the question.

Mr. ELKINS. Having it in mind now, I should like to ask why, if it can admit a State, it can not admit anything less than a State; something that is not a State?

Mr. BACON. I am coming to that, and would be very glad if the Senator would repeat his question if I do not answer it before I get through, because I do the Senator the justice to say that I believe if I can possibly satisfy him of the unconstitutionality of the joint resolution he will not vote for it, however much he may desire the annexation of Hawaii. It is true I am very much discouraged by the fact that the Senator said to me, in private conversation, when I asked him if he was bound by the Constitution, yes, as he interpreted it.

Mr. ELKINS. No; now tell the whole of it. I beg the Senator's pardon. I said as the Supreme Court of the United States interpreted it and as I interpreted it.

Mr. BACON. Very well.

Mr. ELKINS. And not as the Senator interpreted it.

Mr. TELLER. Will the Senator from Georgia allow me?

Mr. BACON. Let me answer the Senator from West Virginia first. If the Senator from West Virginia will stand to that proposition, I will promise to show him a decision of the Supreme Court of the United States which says that the United States Government has no right—I do not go so far as the Supreme Court go in this particular, and I am merely stating this for the benefit of the Senator from West Virginia—to annex territory which it does not intend to make into a State, and Senators themselves say they do not intend to make a State of Hawaii.

Mr. ELKINS. You can not state what will be the intention of the Government a hundred years from now.

Mr. BACON. I am not putting it on that ground at all. Now I yield to the Senator from Colorado.

Mr. TELLER. The position of the Senator from West Virginia is good Democratic doctrine, a doctrine which old Jackson pressed on the country with great force, that every Senator and every Representative could construe the Constitution as he understood it.

Mr. BACON. Of course.

Mr. TELLER. And it was his duty not to look to the Supreme Court of the United States, but to his own judgment and conscience in these matters.

Mr. BACON. I am perfectly satisfied if that shall be the rule. I was discouraged by the fact that the manner of the reply of the Senator from West Virginia indicated that he would not be controlled by what some of the more distinctive lawyer members of the Senate might consider to be the law. He was going to take it into his own hands.

But to return, I am coming to a discussion of the question, to which I ask the attention of Senators, as to what the framers of the Constitution meant when they said "treaties" and what they must necessarily have meant. I asked the question whether it was possible that the framers of the Constitution when they put the word "treaties" into the Constitution in this connection understood that it simply meant an agreement or a negotiation put in a certain form, and that if it were not put in that certain form, it could be refined away and the exercise of the function could be usurped by Congress which had been denied the right to make a treaty. I had asked that question when the Senator from West Virginia interrupted me.

Now, Mr. President, has the word "treaty" a definite, well-fixed meaning? Is a treaty only that which is put in the form of a treaty as we usually see it when submitted to the Senate on the part of the President, or does a treaty mean a certain thing regardless of the form? I say the latter. The distinction between a statute and a treaty does not depend on the form. A statute may be in various forms. It may be in the ordinary form of a statute or in the form of a joint resolution. One has the same effect as the other. A treaty depends for the fact that it is a treaty according to the substance of it and what it proposes to accomplish.

Now, a statute is this: A statute is a rule of conduct laid down by the legislative department, which has its effect upon all of those within the jurisdiction. In other words, a statute passed by the Congress of the United States is obligatory upon every person who is a citizen of the United States or a resident therein. A statute can not go outside the jurisdiction of the United States and be binding upon the subjects of another power. It takes the consent of the subjects of the other power, speaking or giving their consent through their duly authorized government, to be bound by a certain thing which is enacted in this country; and therein comes the necessity for a treaty.

A treaty is that which is binding upon the people of two countries by mutual agreement that it shall be binding upon the two countries. A treaty is binding on two countries because the authority in each country undertakes that it shall be binding in its particular country, and that is the essential element and feature of a treaty, that it is binding on two countries because the authority which makes it binding is the particular authority in each country, not having a general authority over both.

If it were practicable for a statute to be made obligatory upon the citizens of another country, there would be no need of a treaty. We could simply enact what we wanted, and the people in the other country would have to obey. But as we can not do it, we have to invoke the consent of the people or the authority in that other country that they will also be bound by the same law, and that makes a treaty.

Now, Mr. President, I repeat possibly, but I desire to state it in another shape, that the distinction between a treaty and a statute is this: The statute affects only the people within the jurisdiction of the authority by which it is enacted. There is no consent required on the part of those who are subject to such a statute. It is made obligatory upon them by the authority of those who enact it.

A treaty, on the other hand, is something which involves negotiation with another country. It requires the consent of the duly authorized department in this Government, and it also requires that they shall negotiate and obtain the consent of the power in the other Government. This is stated with very great clearness in a report made by the Senate Committee on Foreign Relations in 1844—I have forgotten the number of the Congress—when it had under consideration the Texas resolutions. I will read it. This is a definition of a treaty. I read from Senate Documents, volume 3, 1844 and 1845. It is broken up so that the pages can not be told, as the documents are bound together, but it is Document No. 79, page 5 thereof; not the page of the volume.

But let it be remembered——

And I ask the attention of Senators now to this definition of a treaty—

on the other hand, that although this treaty only acts for other powers and in the singular sphere of exterior concerns, within this sphere no other power has privilege to intrude; the domain is all its own; in a property exclusive. If the affair to be accomplished be exterior and require the intervention of compact to accomplish it, here with the treaty-making power is the office, and sole office, to accomplish it. No other power has privilege to touch.

I do not know whether or not I make my distinction clear, but the framers of the Constitution had in view certain actions by this Government when they set up a distinct and separate department of Government for the making of treaties and when they conferred upon that department exclusive power to make treaties; and I suggest and urge as the crucial feature in this consideration that the framers of the Constitution necessarily, when they said that the President should have the power to make treaties, with the consent of the Senate, meant to put within that department the power to conduct all negotiations between this country and another country, and to come to any agreement with that other country as to what should be a rule of conduct between them.

If that be true, necessarily everything which is of that nature, everything which can be that and nothing else, must be the subject-matter of a treaty. If not, as I have said before, the framers of the Constitution made a great mistake when they unnecessarily put into the Constitution this machinery by which the power was conferred upon the President of the United States, by and with the advice and consent of the Senate, to make treaties.

Mr. President, I said that it was within the power of Congress to nullify this provision of the Constitution in two ways, either by directly making a treaty with another foreign Government or by putting into the shape of a statute that which in reality is a treaty. Let me illustrate as to the latter, because that is what is attempted to be done here now. The attempt here is to make a treaty by statute. The treaty, as I understand it, which was proposed and negotiated by the President of the United States with the authority of Hawaii, and all the reports in connection with it have been made public, so that I can with propriety speak of them here.

A treaty was negotiated between the President of the United States and the Hawaiian Government. Why did the President of the United States and the Hawaiian Government negotiate a treaty for the annexation of those islands? I hope Senators who are considering this question and who propose to answer it will consider this particular feature of it. Why did the President of the United States negotiate with the Hawaiian Government by means of a treaty for the annexation of those islands except that the President of the United States and the authorities of the Hawaiian Islands recognized that it was the proper subject-matter of a treaty?

Why did the Senate of the United States, when the President submitted the treaty here, undertake to consider it and to give its consent to the treaty which had been negotiated between the President of the United States and the Hawaiian authorities? Why was it that it did not return it to the President and say "This is not the subject-matter of a treaty, and we should not be asked for our advice or consent?" Simply because of the fact that the Senate of the United States, without exception, regardless of what the opinion of any Senator might be on the merits, recognized that it was the proper subject-matter of a treaty.

Aside from this direct recognition it comes within the general definition of that which must be a treaty. It is to accomplish something which can not be accomplished by the unaided act of the United States. It is to accomplish something which requires not only the consent of the United States, but the consent of Hawaii, and therefore must be in its essence and in its character a treaty. And yet, Mr. President, as I have said, in the joint resolution now before the Senate there is an effort made to nullify this provision in the Constitution in the second of the methods which I suggested, to wit, in the method of putting in the form of a statute that which of necessity can be nothing else but the subject-matter of a treaty.

Mr. WHITE. If the Senator from Georgia will permit me, in line with the point he is making, it may be that the treaty was suggested because of the provision of the Hawaiian constitution, found in the thirty-second article of that instrument, which provides specifically for annexation to the United States by treaty, which treaty, of course, has never been made.

Mr. BACON. I understand that. I have no doubt that point will be fully brought out by the Senators who discuss the merits of the question.

What is it that the House of Representatives has done? And I say the House of Representatives, not in any spirit of criticism of it particularly, because the Senate, through its Foreign Relations Committee, had previously proposed the same thing. Here was the case of a treaty, which was not only recognized by both parties as a treaty and acted upon by both parties as a treaty, but which, in its essence, must of necessity be a treaty, which was practically abandoned in the Senate for the reason that in the manner and the method pointed out by the Constitution it could not be made law. The framers of the Constitution, in their wisdom, had provided that the President of the United States should make a treaty if two-thirds of the Senators present concurred in it.

Now, whether wise or unwise, that is the law. If only a majority concur, the treaty can not be made. Therefore the effect of the failure in the Senate to ratify that treaty was the same as the failure of an attempted passage of a statute law. The friends of annexation, seeing that it was impossible to make this treaty in the manner pointed out by the Constitution, attempted then to nullify the provision in the Constitution by putting that treaty in the form of a statute, and here we have embodied the provisions of the treaty in the joint resolution which comes to us from the House.

I will state the object I have in calling attention to this point. It is perfectly within the power of Congress—and when I speak of Congress in this discussion I mean the lawmaking power—if it has a majority in each House, if it can pursue the method legally which is sought to be pursued here, it is perfectly within the power of Congress not only to nullify and destroy that provision in the Federal Constitution, but to effect by statute any treaty that can not command a two-thirds vote in the Senate.

Mr. TELLER. I should like to ask the Senator if he thinks there is any treaty that we can not annul by a direct act of Congress?

Mr. BACON. I do not. I have so stated already. But I ask the learned Senator——

Mr. TELLER. Then the legislative power can not be inferior to the treaty-making power.

Mr. BACON. The learned Senator has certainly not read the decisions of the Supreme Court on this subject.

Mr. TELLER. I have.

Mr. BACON. The law on the subject is not in doubt. I have stated it already. The Senator probably did not hear it when I first began.

Mr. TELLER. Yes, I did.

Mr. BACON. It was that the Supreme Court have decided that a treaty and a statute were each supreme, and that when they came in conflict the latter would prevail as being of a later date; in other words, that a statute may be set aside by a treaty, and a treaty may be set aside by a statute.

Mr. TELLER. I ask the Senator if that is not simply a recognition of the statutory right to annul a treaty. We have done that repeatedly. It has been discussed here for days.

Mr. BACON. Nobody disputes that. And in the same way a statute can be annulled by a treaty.

Mr. TELLER. I recall that the Senator from Oregon not now here, Mr. Mitchell, made perhaps a half day's argument on that subject to show by the authorities and by argument the absolute control of the legislative department over any treaty that might be made.

Mr. BACON. The Senator and myself are not differing upon that point. I had announced that before he interrupted me. I say that a treaty may be annulled by a statute, and I say also that a statute may be annulled by a treaty. Now, the point I want to call the Senator's attention to is that while a statute has the power to annul a treaty, and while a treaty has the power to annul a statute, neither one of them has the power to usurp the functions of the other. Let the Senator point out, if he can, any authority for that. In other words, while a treaty made by the President and Senate can be annulled by an act of Congress, that does not imply that the treaty itself can be made by act of Congress. They are two very different things. It can set the treaty aside, but it can not create a treaty.

Mr. TELLER. That is right.

Mr. BACON. That is right, the Senator says, and I am glad that we have gotten now on common ground. It can annul, it can destroy, but it can not create. Now, the point I want to call the attention of the Senator and the attention of the Senate to is, that if the joint resolution under consideration is constitutional, it is within the power of Congress by such a joint resolution to create a treaty.

Mr. TELLER. There is just where the contention comes in.

Mr. BACON. Of course; and I want to try to prove it, if the Senator will permit me.

Mr. TELLER. I say it is no assertion of the treaty-making power, but clearly the legislative power. I want to call the attention of the Senator to another point, if he will allow me. He has spoken of this treaty not having been ratified by the Senate. He must remember very well that when the attempt was made to annex Texas to this country it absolutely failed. The Senate voted the treaty down and declared that they would not have the treaty.

Mr. BACON. I am coming to that. I will read to the Senator all about that before I get through.

Mr. WHITE. Congress did not rely upon a treaty. They did not consider it to be of any effect.

Mr. TELLER. Of course; they voted it down.

Mr. WHITE. You rely upon the treaty here.

Mr. TELLER. We do not.

Mr. BACON. I hope I may have the judicial ear of the Senator, not his controversial ear. I hope I may have the judicial ear of the Senator, because I wish to suggest, so far as I am able, a logical presentation of this matter. The Senator comes to the conclusion with me that while Congress in its lawmaking capacity may destroy a treaty, it can not make a treaty. The Senator admits that.

Mr. TELLER. I do not want the Senator to understand that he has first put that idea in my mind.

Mr. BACON. Oh, no; by no means.

Mr. TELLER. I have not come to that conclusion from anything in the Senator's argument. That is one of the things that I think every ordinary lawyer in this body would recognize.

Mr. BACON. Well, I am not claiming any very great originality in this matter. I am simply trying to suggest a view of it, and, I hope, with becoming modesty; and I am not assuming to be suggesting anything which the Senator did not know before. I am sorry, I say, that there is this contraversial spirit, because I was in hopes we might have a judicial consideration of this question. If, therefore, not by reason of my argument, but by reason of a fundamental principle which every ordinary lawyer recognizes, it be true that Congress can not by statute make a treaty, then if this procedure is one by which Congress does make a treaty there is no answer to the proposition that it is unconstitutional. I propose to show that by this process Congress does make a treaty; and when Congress assumes to make a treaty, I say it violates the Constitution, and not only so, but it strikes a blow at one of the fundamental and most important prerogatives of the President of the United States and also of the Senate.

Now, why do I say that if this method can be proceeded with successfully it does put within the power of Congress the opportunity to make a treaty? I will have to repeat a little in order to show it, because of the interruptions, to which I do not object. I have called attention to the fact that here was the subject-matter of a treaty. It was a negotiation between this Government and another government. It was something which could not be made effective by the independent action of this Government.

It was something which required the action of this Government and the reciprocal action of another government. And I say, recognizing that to be a necessity, the President of the United States and the Hawaiian authorities had, for the purpose of effecting it, entered into a negotiation and had come to an agreement to make a treaty; that, recognizing it as a proper subject-matter of a treaty, in obedience to the commands of the Constitution of the United States, the President sent the treaty to this body; and that this body, composed as it is nine-tenths of lawyers, and some of them very great lawyers, recognized it as a proper subject-matter of a treaty and considered it for weeks and months as a treaty; whereas if it had not been the subject-matter properly of a treaty they would have refused to consider it; and that because of the fact that they could not command the two-thirds majority required by the Constitution the treaty was abandoned, and the same treaty, word for word, is embodied in a joint resolution passed by the House of Representatives, and it comes here and we are asked that we shall pass it; and that that which would have been law as a treaty if it could have commanded two-thirds majority in this body, shall now become law in the absence of two-thirds by virtue of a majority vote in the House and the Senate, which is only required for a statute, and which is not sufficient for a treaty.

Now, Mr. President, if that is effected, if the joint resolution which has passed the House passes the Senate and receives the approval of the President, what has become law? The treaty? Yes, the treaty which could not command two-thirds vote here has, if it passes the Senate, become a law. Where is the answer to the proposition that by so doing the Congress of the United States has made a treaty in totidem verbis the same as the treaty which could not get a two-thirds vote in the Senate?

Now, Mr. President, that is not the only illustration. What is sought to be done in this case can be done in any other case. We had before this body during two Congresses, the last Congress and a part of this, a treaty with Great Britain known as the arbitration treaty, from which also the injunction of secrecy has been taken so far as the treaty itself is concerned and the fact that it was rejected by this body.

What prohibited the House of Representatives from taking that treaty and embodying it in a joint resolution, copying it word for word, and sending it to the Senate; and if this joint resolution, by receiving a majority vote of the two Houses, can become a law, what would have prevented the arbitration treaty from becoming a law when it had a majority vote in the House and the Senate, if it had been embodied in a joint resolution and had been approved by the President? Would not that have been making a treaty? Is there any other treaty which can be conceived of which, although it has been rejected by the Senate, still, if it once had the assent of the foreign power, could not be made into law in this country by an act of Congress by copying it into a bill or joint resolution?

Mr. HOAR. Would it disturb the Senator if I should ask him a question?

Mr. BACON. Not in the least.

Mr. HOAR. It seems to me to touch the point of his entire argument. Perhaps he will allow me to follow my question with a single illustration, so that it may be understood. I shall not take sixty seconds in doing so.

Is not the essence of a treaty the incurring an obligation to a foreign nation? Therefore, if we choose to make a bargain with a foreign state that we will annex it in future, that may be done by a treaty concurring in the obligation to a foreign nation. But if we strip it of all that and incur no obligation whatever to any foreign nation, but only pass an act that a certain Territory shall come into the Union, it is only operated upon; it comes in by its consent, as a domestic transaction.

Mr. BACON. The Senator is speaking of the admission of a State?

Mr. HOAR. I will say Territory, which is the same thing. I mean the admission of territory under our control. I do not speak of annexing it to the United States. Let me repeat. I shall not take any time. Is it not the essence of a treaty, the incurring of an obligation to a foreign country? And therefore, although the taking of territory under our dominion, not as a State, might be accomplished by incurring an obligation to a foreign country to do it, if it can be done without that obligation, by a mere legislative act, is not that valid legislation?

Mr. BACON. I say the rule is very much broader than that stated by the Senator. It is not simply the question of incurring

an obligation; it is the making of any agreement. It is an agreement by which beyond the jurisdiction of a statute in this country something is made lawful in another country; and whenever it involves the absolute abnegation of authority in the foreign country and the putting it under the authority of this country, that is certainly a most fundamental and vital agreement between the two.

Mr. President, we could not annex Hawaii by a statute or by a joint resolution if Hawaii had not consented. It would be brutum fulmen unless we proposed to enforce it by war. We can only annex Hawaii by a joint resolution or a statute in case Hawaii has herself assented to it. Therefore it involves a feature of negotiation, and necessarily the feature of agreement. Whenever you have the feature of negotiation and of agreement you have the essential characteristics and qualities of a treaty, and whenever you have a treaty you have that which the Constitution says must be made in a particular way and which can not be made in another way.

Mr. HOAR. Take the case of Texas.

Mr. BACON. I will come to that. If I do not differentiate Texas from this case, I will give up the question.

Mr. PLATT of Connecticut. Will the Senator permit me?

Mr. BACON. Certainly.

Mr. PLATT of Connecticut. The Senator seems to think that there can be no acquisition of territory without a treaty or by war.

Mr. BACON. Yes, or by war.

Mr. PLATT of Connecticut. Suppose that, as on a former occasion, without any previous negotiation whatever, Hawaii had made a cession of her territory and sovereignty to the United States, does the Senator hold that Congress could not accept that?

Mr. BACON. Most undoubtedly; it would require the treaty-making power to do it.

Mr. SPOONER. Will the Senator allow me to ask a question?

Mr. BACON. Certainly.

Mr. SPOONER. Only for information. The first line of the joint resolution reads as follows:

That said cession——

Mr. BACON. I have the joint resolution in my hand for the purpose of reading that clause, but I am very glad to have the Senator read it.

Mr. SPOONER. Very well.

Mr. BACON. No; go on. I insist that you go on.

Mr. SPOONER. It reads:

That said cession is accepted, ratified, and confirmed.

Mr. PLATT of Connecticut. I am not discussing this question.

Mr. SPOONER. In other words, has there been any attempted cession——

Mr. PLATT of Connecticut. I am not discussing that.

Mr. SPOONER. I have not finished my questson. Has there been any attempted cession except by treaty? I understand my friend from Georgia is arguing the question whether Congress has the power to accept, ratify, and confirm a cession made by treaty not ratified by the Senate?

Mr. BACON. Yes, sir.

Mr. PLATT of Connecticut. I am not as familiar with what has been done as the Committee on Foreign Relations, but I understand that there has been an offer to cede.

Mr. SPOONER. An offer to cede is not a cession.

Mr. PLATT of Connecticut. One moment. I was not discussing this case particularly, but I was asking a question which, as it seemed to me, went to the whole argument of the Senator from Georgia, whether if there should have been an actual cession without any previous negotiation on the part of the United States we could not accept that without making a treaty?

Mr. FORAKER. Mr. President——

Mr. BACON. I will answer the Senator from Connecticut, but I yield to the Senator from Ohio.

Mr. FORAKER. I am loath to interrupt the Senator, but I have been desiring for some minutes since he got on this proposition to put a question to him. The question I desire to put is this: Would it not be competent for the Congress of the United States to prescribe by law certain terms and conditions upon which any independent government might come in and become a part of the territory of the United States by complying with the terms and conditions prescribed by the Congress of the United States?

Suppose, for instance, to make plain what I have in my mind, we should provide that any independent people or government, doing what this preamble recites the people of Hawaii have done, should, upon complying with certain conditions, those and others that we might see fit to make, become a part of our territory, they notifying us that they had complied with all the terms and conditions, could we not thereupon declare them to be annexed and make them a part of the territory of the United States, and would not that be a more competent power for the Congress than it would be for the treaty-making power?

Mr. BACON. You can do that if you absolutely nullify the provision of the Constitution which says that a treaty shall be made in another way.

Mr. FORAKER rose.

Mr. BACON. Now, if the Senator will pardon me.

Mr. FORAKER. If the Senator will allow me just one word further, I agree with almost all he has said; but at the point where I differ from him the difference becomes vital. I think that when you make a compact with a foreign power it must be in the nature of a treaty, but that contemplates the continued existence of the foreign power. Therefore, if a foreign power were by agreement to cede to us a part of its territory upon certain terms and conditions agreed upon, it would necessarily have to be done by treaty.

But where the whole foreign country comes in and ceases to be an independent power, as is proposed in this case, it is not properly done by treaty, or at least not so properly by a treaty, I will put it, as by an act of Congress in the nature of legislation. That was the case with Texas. She had ceased to be a part of Mexico; she had acquired her independence; she was an independent Republic; she had a right to stipulate for herself, and she stipulated, among other things, that she would cease to be as an independent power, and therefore she could accept a treaty or she could come in by the door of legislation. While the treaty-making power might be properly invoked, this other power is equally so.

Mr. BACON. Mr. President, I am endeavoring to present with some degree of sequence, if possible, an argument. It is manifestly impossible for me to do so if I am interrupted by Senators, not for the purpose of a question, but for purposes of interjecting arguments. I do not think I can be accused of being unwilling to have interruptions, but I will ask Senators to permit me to pursue the argument with some degree of continuity, and when I have reached a stopping place at any particular division I shall be more than happy to yield for any question Senators may wish to ask.

Mr. FORAKER. I hope the Senator will not think that I was undertaking to do more than make plain to him what was in my mind.

Mr. BACON. The Senator's interruption was very much less than that of some others.

Mr. FORAKER. I wished the Senator to know while he was on the floor what I had in mind.

Mr. BACON. The Senator from Ohio makes a very important concession, and if he stands by that I think he will be bound to vote against this joint resolution. The Senator from Ohio concedes that if the purpose were to cede to this Government a part of the territory of another government it must necessarily be in the form of a treaty, but that if the purpose is to cede the entire country a treaty is not necessary.

Mr. President, I am utterly unable to see the force of that argument. It is in either case an agreement by which sovereignty existing over certain territory is abandoned, or rather annulled, and by which the sovereignty of this country is given to it. Why should the change of sovereignty as to a part be the subject-matter of negotiation and the change of sovereignty as to the whole be not the subject-matter of negotiation?

Mr. FORAKER. In a word I can answer that. Because there is no continuance of a compact. The whole thing is at an end by its consummation.

Mr. BACON. I do not agree with the Senator, for this reason: The vital essence by which this agreement is made binding is not that anything is enacted in this country which can have force there, but it is because by an agreement in consideration that it shall have force there we say it shall have force here.

But, Mr. President, I was on a practical point, and I want the consideration of Senators to it. The Constitution has clothed us with the high function, in conjunction with the President, of making a certain class of laws, which the Constitution says shall be supreme, to wit, treaties. Now, if this joint resolution can be legally passed, constitutionally passed, I submit the proposition as one which can not be successfully answered, that there is no treaty rejected by the Senate because of a lack of two-thirds vote, if the foreign government had given its assent thereto, as it has done here, or as it did in the arbitration treaty, which could not be made law by the enactment of a statute in the House of Representatives and in the Senate and by it being signed by the President. I see the Senator from Colorado assents to that.

Mr. TELLER. I do not know that I assent to it; but I do not think that the fact that that can be done is any argument.

Mr. BACON. That may be. We shall see whether it is an argument or not. But, Mr. President, I want to say to Senators, if there is any treaty which could be entered into between the President and a foreign government, which, when it failed to receive a two-thirds vote in the Senate, could not be made law by this process, although it could not command a two-thirds vote in the Senate, I want Senators to point it out. If there is any treaty which can be devised which can not command a two-thirds vote in the Senate, which can command a majority in the Senate, which

can not be made a law by this process, I want Senators to suggest wha that treaty is.

What does that lead us to, Mr. President? If it be true that whenever a treaty fails to get two-thirds majority in the Senate, but can command a majority here and also command a majority in the House of Representatives and command the approval of the President—if it be true that such a treaty, although it can not be enacted or made in the way the Constitution provides, can be made in the way of putting it in the form of a statute or of a joint resolution, do we not, when we give our assent to such a proposition, absolutely surrender the power which the Constitution confers upon us for the making of treaties?

Mr. President, what does that lead to? The Senator from Colorado said he did not know that that would be any argument against the proposition. It leads to this: The President of the United States is the Executive, clothed with the power to make treaties. It can not possibly be denied that it was the contemplation of the Constitution that no treaty should be made which was not initiated by him. Is there any denial of that proposition? If so, let Senators, when they come to speak, answer it. It was the design of the Constitution that every treaty should be made by the President and should be initiated by him, and it was the design of the Constitution and the command of the Constitution that there should be no treaty which did not have his approval; and yet, if this can be done, the House of Representatives can originate a treaty.

The House of Representatives, when England, for instance, has signified her assent by an act of Parliament, or in any other way, can pass a joint resolution saying there shall be such and such an agreement between this country and another country. It can pass the House of Representatives; it can come to the Senate; it can receive a majority of each; and it can go to the President and receive his disapproval. It can go back to the House of Representatives and get two-thirds in that body, and come to this body and get two-thirds in this body, and we have a treaty absolutely over and above the consent of the President.

Do not let Senators confuse this proposition. It can not be said that at last it would rest with the President whether he would proclaim that treaty, because, if this form is adopted, it becomes law, and law binds the President as well as everybody else. Whenever he disapproves it, and it is passed by a two-thirds vote of the House of Representatives and a two-thirds vote of the Senate, it is a law which binds him, and it would be an impeachable offense in him if he refused to carry it out.

On the contrary, in the manner prescribed by the Constitution, he is part of the treaty-making power. A treaty is not obligatory until he himself proclaims it as a treaty. It may be even ratified by the Senate and he can withdraw his approval, for there is nothing that makes it law until he does proclaim it; but when you put it in the form of a joint resolution or a statute it becomes law whenever it has what the Constitution says shall be requisite to make a law, and it is then as binding on him as on anyone else.

So I say there is no escape from the proposition that if that which in its essential character is a treaty can be enacted in the form of a statute or a joint resolution, it is perfectly practicable to have a treaty in its essence and substance which the President of the United States not only has not initiated, not only has not approved, but which he has distinctly disapproved.

Mr. President, I am defending this great prerogative of the President as well as that of the Senate. His is the principal prerogative, and the prerogative of the Senate is an incident to it. If this precedent can be established, it will return in an evil hour to plague the President as well as the Senate.

Mr. President, this is a very serious consideration; and it is the duty of all of us to maintain every provision in the Constitution. It is doubly the duty of Senators to see that they do not absolutely abdicate the power which the Constitution confers on the Senate; and I can not, for the life of me, see any escape from the argument that, if this method is constitutional, then, wherever the assent of a foreign government can be gotten in another way, practically a treaty can be made without the consent of two-thirds of this body.

Mr. President, I want to read what a great man said on this subject. It is not simply the fact that we abdicate our power; it is not simply the fact that we fail to maintain the authority which the Constitution gives us; it is the fact that if we permit that which is in substance a treaty to be enacted by anything less than two-thirds in this body, we violate a great principle of the Constitution and we violate the rights of the States stipulated for when they entered the Federal Union.

I propose to read what George Washington said about it. The House of Representatives called upon President Washington in 1796 to lay before the House copies of instructions to the ministers of the United States who had negotiated a treaty with Great Britain, and the President, replying to the House of Representatives, asserts the power of the President and of the Senate to the exclusive control of all matters which are treaties, and gives the reasons for it. I read from the first volume of Messages and Papers of the Presidents, by RICHARDSON, page 194:

UNITED STATES, *March 30, 1796.*

To the House of Representatives of the United States:

With the utmost attention I have considered your resolution of the 24th instant, requesting me to lay before your House a copy of the instructions to the minister of the United States who negotiated the treaty with the King of Great Britain, together with the correspondence and other documents relative to that treaty, excepting such of the said papers as any existing negotiation may render improper to be disclosed.

In deliberating upon this subject it was impossible for me to lose sight of the principle which some have avowed in its discussion, or to avoid extending my views to the consequences which must flow from the admission of that principle.

The very principle now under discussion.

I trust that no part of my conduct has ever indicated a disposition to withhold any information which the Constitution has enjoined upon the President as a duty to give or which could be required of him by either House of Congress as a right; and with truth I affirm that it has been, as it will continue to be while I have the honor to preside in the Government, my constant endeavor to harmonize with the other branches thereof so far as the trust delegated to me by the people of the United States and my sense of the obligation it imposes to "preserve, protect, and defend the Constitution" will permit.

The nature of foreign negotiations requires caution, and their success must often depend on secrecy; and even when brought to a conclusion a full disclosure of all the measures, demands, or eventual concessions which may have been proposed or contemplated would be extremely impolitic, for this might have a pernicious influence on future negotiations or produce immediate inconveniences, perhaps danger and mischief, in relation to other powers.

The necessity of such caution and secrecy was one cogent reason for vesting the power of making treaties in the President, with the advice and consent of the Senate, the principle on which that body was formed confining it to a small number of members. To admit, then, a right in the House of Representatives to demand and to have, as a matter of course, all the papers respecting a negotiation with a foreign power would be to establish a dangerous precedent.

It does not occur that the inspection of the papers asked for can be relative to any purpose under the cognizance of the House of Representatives, except that of an impeachment, which the resolution has not expressed. I repeat that I have no disposition to withhold any information which the duty of my station will permit or the public good shall require to be disclosed; and, in fact, all the papers affecting the negotiation with Great Britain were laid before the Senate when the treaty itself was communicated for their consideration and advice.

Mr. President, I ask the attention of every Senator to what I am now about to read, because that which is to follow is that which I had in view when I proposed to read this communication to the Senate:

The course which the debate has taken on the resolution of the House leads to some observations on the mode of making treaties under the Constitution of the United States.

Having been a member of the general convention, and knowing the principles on which the Constitution was formed, I have ever entertained but one opinion on this subject; and from the first establishment of the Government to this moment my conduct has exemplified that opinion—that the power of making treaties is exclusively vested in the President, by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur; and that every treaty so made and promulgated thenceforward became the law of the land.

It is thus that the treaty-making power has been understood by foreign nations, and in all the treaties made with them we have declared and they have believed that, when ratified by the President, with the advice and consent of the Senate, they became obligatory. In this construction of the Constitution, every House of Representatives has heretofore acquiesced, and until the present time not a doubt or suspicion has appeared, to my knowledge, that this construction was not the true one. Nay, they have more than acquiesced; for till now, without controverting the obligation of such treaties, they have made all the requisite provisions for carrying them into effect.

There is also reason to believe that this construction agrees with the opinions entertained by the State conventions when they were deliberating on the Constitution, especially by those who objected to it because there was not required in commercial treaties the consent of two-thirds of the whole number of the members of the Senate, instead of two-thirds of the Senators present, and because in treaties respecting territorial and certain other rights and claims the concurrence of three-fourths of the whole number of the members of both Houses, respectively, was not made necessary.

As stated by him, some States objected to the ratification of the Constitution because when it came to the question of the acquisition of territory the votes of three-fourths both of the Senate and of the House of Representatives were not required. Then he goes on to say:

It is a fact declared by the general convention and universally understood that the Constitution of the United States was the result of a spirit of amity and mutual concession; and it is well known that under this influence the smaller States were admitted to an equal representation in the Senate with the larger States, and that this branch of the Government was invested with great powers, for on the equal participation of those powers the sovereignty and political safety of the smaller States were deemed essentially to depend.

If other proofs than these and the plain letter of the Constitution itself be necessary to ascertain the point under consideration, they may be found in the journals of the general convention, which I have deposited in the office of the Department of State. In those journals it will appear that a proposition was made "that no treaty should be binding on the United States which was not ratified by a law," and that the proposition was explicitly rejected.

In other words, it appears by the journals of the convention which framed the Constitution of the United States that there was a proposition that if the President and the Senate made a treaty it should not be binding until an act of Congress approved it, and that proposition was explicitly rejected. That is what George Washington said about it.

The concluding sentence is as follows:

As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty; as the treaty with Great Britain exhibits in itself all the objects requiring

legislative provision, and on these the papers called for can throw no light, and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office, under all the circumstances of this case, forbids a compliance with your request.

GO. WASHINGTON.

Mr. President, I desire that Senators will mark the peculiar significance of this utterance by Washington. The distinct question which he was having under consideration was whether the House of Representatives had the right to any consideration whatever of the subject-matter of a treaty. They had called on him for information with reference to a treaty, and he had stated to them, practically, "It is none of your business; that is a matter which belongs to the President and to the Senate, and does not belong to the House of Representatives."

I confess that I am utterly unable to understand how anyone can possibly get away from the proposition which I have submitted, which is, that if what is here contended for is legal, whenever a treaty is rejected by the Senate because it can not get a two-thirds vote, and whenever the project can command the assent of a foreign government, a majority of the Senate and a majority of the House of Representatives, with the approval of the President, any treaty thus rejected by two-thirds of the Senate can be enacted into law. If that is so, the provision in the Constitution which gives to the President and two-thirds of the Senate the treaty-making power is not worth the paper or the ink which it has taken to express it; it can be nullified at will.

Mr. President, it is contrary to every rule of construction that such a construction shall be put upon any constitutional provision as will enable it to be utterly nullified and made of no effect. The strongest argument which you can make against any construction of any provision of any constitution or any law is that that construction will nullify it.

A great many people, officials and others, have jumped to a conclusion as to the power of Congress on what occurred in the admission of the State of Texas. There is no doubt that Texas was admitted by a joint resolution, but it is equally undoubted that it was admitted under the express grant of power in the Constitution given to Congress to admit new States, and that the claim that there was no power in Congress to negotiate what in substance would be a treaty was absolutely disavowed by the men who were most prominent in effecting it.

I have here the Congressional Globe, in which there is a discussion in the Senate at the time the resolutions were under consideration for the admission of Texas as a State. I read from the speech of Robert J. Walker, of Mississippi, who was not only a very able man, so recognized throughout the length and breadth of this country, a man of very great learning, of admitted prominence, but one of the most earnest advocates for the passage of the resolutions by which Texas was admitted into the Union. I read from the Congressional Globe, second session Twenty-eighth Congress, page 246:

Mr. Walker said that he was rejoiced that the great American question of the reannexation of Texas was being presented on all hands on the grounds on which it was placed originally by him (Mr. Walker) in his Texas letter of the 8th of January, 1844.

He (Mr. Walker) then proposed, more than a year since, to admit Texas as a State of the Union by the action of Congress under that clause of the Constitution which authorizes Congress to admit new States into the Union. That clause was not confined to our then existing territory, but was without limitation; and the framers of the Constitution had expressly refused to limit the general power contained in this clause to the territory then embraced within the Union.

The general power, then, was in express words, and no man has a right to interpolate restrictions, and especially restrictions which the framers of the Constitution had rejected. But when this mode of admitting Texas as a State by Congress was suggested by him (Mr. Walker) in January, 1844, he was held up as the author of a new proposition, unwarranted by authority or precedent. Sir, said Mr. W., Mr. Madison, one of the principal founders of the Constitution, had expressly sanctioned this mode of admitting States by Congress out of foreign territory; and one of the most distinguished judges of the Supreme Court of the United States had expressed a similar opinion, all which he (Mr. W.) would show in due time. This opinion was also supported by numerous precedents.

North Carolina, Vermont, Rhode Island, and the Florida parishes of Louisiana were admitted into the Union as States or parts of foreign States by the action of Congress alone. In the case of Rhode Island, she was not represented in the convention which framed the Constitution of the Union, and after the ratification of the Constitution she became the foreign State. She was treated as such by Congress for several years, and duties were imposed upon goods imported from Rhode Island into the Union.

She was treated in every respect as a foreign state, and by the adoption of the Constitution and her withdrawal from the confederacy she became a foreign state and was admitted as such by Congress, being the same question, so far as constitutional power is concerned, whether she had been a foreign state two years or two hundred years, when she was admitted by Congres as a State of the Union.

I read on page 361 of the same volume from Mr. Buchanan:

Mr. Buchanan said he might have assumed the privilege of reply which belonged to him from the position he occupied on the Committee on Foreign Relations, but he waived it. Not because the arguments on the other side had not been exceedingly ingenious and plausible and urged with great ability, but because all the reasoning and ingenuity in the world could not abolish the plain language of the Constitution, which declared that "New States might be admitted by Congress into the Union." But what new States?

The convention had answered that question in letters of light by rejecting the proposed limitation of this grant which would have confined it to States lawfully arising within the United States. The clause was introduced with this limitation, and after full discussion, it ended in the shape it now held, without limitation or restriction of any kind. This was a historical fact.

Mr. President, I could go on and cite innumerable utterances from the Senators and Representatives who were active in that debate to show that while in some instances there were propositions looking to enact what really would have been a treaty between the United States and the Republic of Texas, they were all abandoned, and the advocacy of them was abandoned and the admission of Texas put exclusively on the ground that she was admitted as a State under the provision in the Constitution which specifically authorizes Congress to admit States.

The President and two-thirds of the Senate could not admit a State. A State could not be admitted by treaty. A State can only be admitted by act of Congress, and the Congress of the United States in passing the law which did admit Texas did not annex Texas and did not acquire one single foot of foreign territory. It admitted Texas as a State, and Texas herself reserved every inch of territory within her borders.

This question was again under consideration twenty-five years after that in this Chamber. That discussion occurred in the old Chamber, but in this Chamber twenty-five years ago or more, twenty-eight years ago, when there were as great lawyers in this body as ever graced it, this very question was again under discussion, when the question of the annexation of Santo Domingo was before the Senate.

There had been a treaty negotiated by the President with the Dominican Government which had been rejected by the Senate, and the President had sent a message to Congress in which, while he did not recommend the annexation of the island, he used language that indicated that such was the design; and upon a resolution which was introduced to send commissioners for the purpose of getting certain information this debate came up, and this question was discussed by the great lawyers then in the Senate as to whether or not by joint resolution foreign territory could be annexed.

In the Senate were such men as Carpenter and Conklin and Thurman and Edmunds and Morton and Garret Davis and Sumner, and every utterance that there was, was either in accordance with the doctrine which I have stated here or else was an utter failure to accept the challenge when it was laid down to them that that was the doctrine.

Mr. President, what was good law in 1844 and 1870 is good law now. What such men as Carpenter and Sumner and Edmunds and Thurman thought to be good law we can not go far astray in recognizing as good law, for I repeat no greater lawyers have ever been members of the Senate of the United States. I do not pretend that each one of the lawyers whose names I have mentioned gave distinct utterance to the proposition I make, but I do say that it was given distinct utterance in the debate, and that in that debate Thurman, Garret Davis, Sumner, Morton, Edmunds, and Trumbull all participated.

Not only were they present but they participated in the debate, and while the doctrine was boldly avowed by some, it was denied by none and taken issue with by none. I read from the Congressional Globe, part 1, third session, Forty-first Congress, page 193, what Judge Thurman said on the subject. If ever there was a man in this Chamber who was recognized by everybody, not only in this body but outside, as a great lawyer that man was Thurman. If ever there was a man who cast a doubt on the question as to his standing in the very front rank of lawyers I never heard him. Here is what he said:

Mr. THURMAN. I believe, sir, it is proper enough for me to say, for I think the President himself says it in his annual message, that a treaty was negotiated for the annexation of Dominica to the United States, and that that treaty failed to receive the requisite votes in favor of its ratification, thus disclosing the fact that between the President of the United States and the Senate there is a direct opposition of opinion upon the subject of this acquisition.

Certainly directly parallel to the case we now have before us.

Now, not willing to defer to the opinion of the Senator—and I do not say that in order to blame him; he has a right to his own opinion—the President, with very great earnestness, urges upon Congress and upon the country the desirableness of this acquisition, and he goes so far as to suggest the mode by which Dominica may be annexed. Seeing that it is not likely to be annexed under the treaty-making power for want of the requisite support in the Senate, he suggests that it may be annexed by joint resolution, as in the case of Texas; and it is with a view to carry out, no doubt, the wishes or opinions of the President in this particular that the Senator from Indiana has introduced the joint resolution.

I repeat that the joint resolution which was introduced was not for annexation, but for the purpose of sending parties there to get information. The discussion, however, proceeded upon the ground that that was the object.

Mr. PASCO. A preliminary step to it.

Mr. BACON. A preliminary step to it, and, therefore, Mr. Thurman comes to the discussion as to whether or not that could be done. If it could not be done, why the preliminary step? He was opposing the preliminary step.

Now, the first thing that strikes me is this: Is the Senate ready to recede from its position? Is the Senate willing to ratify a treaty for the annexation of Dominica, or is the Senate ready to annex Dominica by joint resolution?

And in that connection I beg leave to call the attention of the Senate to the fact—

Listen. This is what Thurman, this great lawyer, said:

And in that connection I beg leave to call the attention of the Senate to the fact that you can not by joint resolution annex Dominica as a Territory; you must annex her as a State if you annex her by joint resolution. There is no clause in the Constitution of the United States that provides for the acquisition of territory by joint resolution of Congress unless it be one single provision, and that is that the Congress may admit new States into the Union. And it was upon the argument that there was no limitation upon that power to admit new States into the Union, that it was not limited to territory belonging to the United States, but that territory belonging to a foreign power might be admitted into the Union as a State.

I am now answering the question of the Senator from West Virginia [Mr. ELKINS] by reading to him what Mr. Thurman said.

It was upon that doctrine that the resolution in the case of Texas was passed. But no one has ever pretended—

This is very strong language, because he had reference to the former debate in 1844—

that you could by joint resolution annex territory as a Territory without admitting it as a State. Then, if a treaty is to be abandoned, the proposition which is before the Senate is, Is this Senate prepared to annex Dominica in its present condition?

* * * * * * *

Nobody, I think, has the least idea that any treaty for its annexation can be ratified. This Senate is not so ignorant that it did not know every essential thing in this resolution when it voted on the treaty. It would be to stultify ourselves to say that there is one single material inquiry in all this resolution that was not known to the Senate when it voted on the treaty; and unless the Senators who were opposed to that treaty are willing to recede from their opposition and ratify a treaty that may be formed, it follows that this resolution can only be put forward with the view of annexing Dominica by joint resolution, and that, as I said before, you can not do unless you are willing to take her in as a State.

That is what Allen G. Thurman said in this Chamber in the year 1870.

I say again that no man on this floor, I think, has the least idea that a treaty of annexation can receive the requisite number of votes for its ratification, and therefore—and I can not, perhaps, repeat it too often—the only question is, Will you annex Dominica as a State?

In the same debate Garrett Davis, of Kentucky, on the same day used language which I will quote. I ask the attention of Senators particularly to this, because Garrett Davis, in the course of his speech, said he was a member of the House at the time the Texas resolution was passed. I read now from the same volume, page 195:

The question so remained, and that was the judgment of the American people until the proposition to annex Texas was presented to the consideration of Congress and the people of the United States. There was a treaty first negotiated by Mr. Calhoun for the acquisition of Texas, and that treaty was laid by President Tyler before the Senate for its action, either of ratification or rejection. The treaty was rejected by the action of the Senate. After that action a joint resolution was introduced to annex Texas as a State of the Union—not as a Territory, but as a State of the Union; and the only power that was relied upon to authorize Congress to admit Texas was that single provision of the Constitution which authorizes Congress to admit States into this Union. It was my fortune at that time to be a member of the House of Representatives.

Going on, then, to discuss the message of the President, and coming to the point that he really attempted to annex it by joint resolution, Senator Davis used this language, on the same page:

That is the purpose of the President; that is his recommendation; that is his proposition. It is in furtherance of that proposition, as I understand, that this joint resolution has been introduced. It is simply to take up this furtive, unconstitutional project of the President, to be effected without authority of the Constitution, and perverting and usurping its powers by Congress assuming the prerogative of the treaty-making power in admitting into the Union as a Territory territory that now forms part of a foreign country. It is to forward and give impetus, strength, and power to this covert and monstrous proposition that this resolution is introduced.

Are Senators ready to subordinate the power of the Senate to such a purpose, to such a project? Suppose the honorable Senator from Indiana should introduce a joint resolution to-morrow "that the country called Dominica, a part of the island of San Domingo, be, and the same is hereby, annexed to the United States of America as a part of the Territory thereof"—

Just the resolution you have here—

where is the Senator—

Said this Senator, speaking in the presence of such men as those whose names I have called here to-day—

Where is the Senator who would stand up and avow his willingness to support such a proposition?

And nobody answered then or at any other time in that debate. It was denounced, scouted, and yet there was no man in the Senate at that day who would say he favored such a proposition or would defend the right of the House of Representatives and the Senate to pass a law under such circumstances and to such effect.

And yet it is to forward this monstrous proposition, to give it strength and a better chance of success; it is to minister to the pet project of the President that, I understand, this resolution will operate. I do not say that that is the motive with which it is introduced; but I say that will be the effect, and the only effect, of the passage of such a resolution.

Mr. STEWART. From whom does the Senator read?

Mr. BACON. From the speech of Garrett Davis. I had read previously from the speech of Allen G. Thurman. The Senator from Nevada was not present.

Mr. STEWART. I can cite the Senator to others.

Mr. BACON. I have no doubt the Senator would be very much edified by reading them, and if the Senator had pointed them out to me before I began I would have taken pleasure in reading them; but as it is I have trespassed so largely upon the time of the Senate that I hope that will be allowed to pass by.

Mr. STEWART. They are not in line with the Senator's argument.

Mr. BACON. I presume the Senator will read them. He read us a book the other day.

Why should gentlemen who believe that the Constitution does not authorize such a resolution as that—to acquire foreign territory, not to admit it as a State into the Union, but simply to acquire foreign territory—why should gentlemen who maintain the position that Congress has no such power give this resolution the least countenance, when its only object is to effect such a monstrous and unconstitutional project?

I repeat that the debate that day was participated in by Thurman, Davis, Sumner, Morton, Edmunds, and Trumbull, and that in the face of such enunciation and in the face of such denunciation there was no man in the Senate to rise up and say, "You are wrong; we can do this by joint resolution." On the contrary, they all acquiesced in it.

There is a very significant fact connected with this matter. This, as was stated by Garret Davis, was a pet project of the President of the United States. That President was Ulysses S. Grant, the very idol of the country at that time certainly. In this body were those who were his extreme partisans, and yet while the suggestion that it was his purpose to have a joint resolution passed to annex Dominica was denounced in this body, we do not find one single man who would defend the doctrine that there could be any right by a joint resolution to annex Dominica.

Mr. TELLER. It was denied that there was any such proposition.

Mr. BACON. The Senator from Colorado certainly is not candid in that suggestion. The proposition before the Senate was what was stated by Mr. Thurman to be a preliminary step to that proposition. It was avowed by Mr. Thurman that the resolution before the Senate was a preliminary step to a joint resolution by which Dominica could be annexed to the United States, and he distinctly stated it, and he stated that his opposition to it was that the second step could not legally be taken, that there could be no such thing as annexation of Dominica by joint resolution, and that therefore it would be foolish to take the preliminary step and incur the expense of making an investigation unless it was going to be admitted as a State, which nobody claimed.

Mr. FORAKER. I wish to ask the Senator from Georgia whether or not he deems it conclusive that Senators who were in their seats conceded the correctness of the proposition advanced by Senators on the floor when they did not rise to take issue with them?

Mr. BACON. I will not say a Senator who was in his seat, but I do say that when Senators participated in the debate on that particular proposition, when that was the question involved and upon which and around which the discussion revolved, when Senators did not take issue with it, it was equivalent to saying that they could not successfully do so.

Mr. FORAKER. I simply desire to place on record the negative of that proposition. Every day we sit here and to-day we have sat here and heard propositions advanced which Senators who are in their seats do not agree with and the correctness of which they do not concede. We do not take issue simply because we do not wish to break the continuity of thought, the logical arrangement of the argument which the Senator is presenting to the Senate.

At the proper time we may have something to say in answer to the propositions of the Senator from Georgia. I as one, in view of the position taken, want to say now that while I agree with a great many of the propositions of the Senator from Georgia, I do not at all agree with some of them. I think there is a fallacy underlying his whole argument which disposes of all of it whenever it is presented; and at the proper time it will be presented.

Mr. BACON. If the Senator thinks that, I hope the avowed purpose of those who sympathize with him, not to be heard in this debate, may be changed, and that we may hear from him and other Senators; and I think we will before we get through.

Mr. FORAKER. It is a question of policy in debate whether or not every proposition that is advanced shall be met in argument. Sometimes there are other considerations than the mere meeting of argument that may induce Senators to sit still and allow a Senator to proceed. All I want to register my protest against is, it being taken for granted that because we do sit still and listen to the Senator with pleasure, as we always do, for he is always entertaining, we are on that account to be presumed to be in accord with everything he expresses.

Mr. WHITE. Mr. President——

Mr. BACON. Please pardon me. I am nearly through. I have not taken any such position. I have not said that Senators who were present upon that occasion and who did not participate in the debate were to be taken as acceding to the propositions made, but I have said—this was an isolated proposition—that Senators

who participated in the debate and who failed to take issue with it virtually conceded it.

Mr. President, I certainly did not expect to occupy so much of the time of the Senate, and it is fortunate that I said in the beginning that I did not intend to go into a discussion of the merits of the question. I desire to submit to the Senate what I consider to be a very grave question. It is a question, if we pass this joint resolution, not only of one revolution, but of two revolutions. If we pass the joint resolution we enter upon a revolution which shall convert this country from a peaceful country into a warlike country. If we pass the joint resolution, we revolutionize this country from one engaged in its own concerns into one which shall immediately proceed to intermeddle with the concerns of all the world. If we pass this joint resolution we inaugurate a revolution which shall convert this country from one designed for the advancement and the prosperity and the happiness of our citizens into one which shall seek its gratification in dominion and domination and foreign acquisition. Mr. President, if we pass the joint resolution we have entered upon a revolution which shall change the entire character of the Government, which is a government of equals, a government solely for the benefit of its citizens, into a government in which the flag shall float over communities that we would never agree should be equals with us in this Government.

That is a great enough revolution, Mr. President, but if we pass the joint resolution, we have entered upon a revolution which I consider greater and more to be objected to than that; that is a revolution where, because the majority has the power, it will in this body surrender the great function which the Constitution gives to the President of the United States, and also to us as a part of the treaty-making power, and we have entered upon a field where the restraints of the Constitution are no longer to be observed and where the will of the majority shall obtain regardless of constitutional restrictions.

Mr. WHITE. I suggest, if there is nothing else pressing at this moment, that if anyone desires that the Senate shall proceed to the consideration of executive business, I will make that motion; otherwise I will move to adjourn. I suggest to the Senator from Minnesota that we have had two able presentations of the matter to-day, the first day it has been considered, and it is now not far from 5 o'clock.

Mr. DAVIS. On that motion I call for the yeas and nays.

Mr. TELLER. Before the motion is put I wish to make a suggestion.

Mr. WHITE. I have made no motion at all.

Mr. TELLER. I do not desire to debate the question, but I wish to say that the Senator from Georgia [Mr. BACON] who has just taken his seat has assumed in his discussion of this question that there is some constitutional provision requiring the admission of territory by treaty. There is the fallacy, if I may say so, of his whole argument. He has proceeded upon the basis that we could only acquire property by treaty, and therefore that an act of Congress which did acquire property was equivalent to a treaty and an invasion of the constitutional prerogative of the President and the Senate.

There is nothing whatever in that contention. There is no provision in the Constitution anywhere which can be tortured into a suggestion that property may not be acquired by an act any more than there is that it may not be acquired by the strong hand of war. We have heard from time to time the same argument made to-day. It was asserted for many years and asserted in the House of Representatives with great force by Josiah Quincy in 1811 that that provision of the Constitution which allowed the Government of the United States to take in Territories was confined to Territories belonging to the United States. He declared on the question of the admission of Louisiana, which was then before the House, that if it was admitted, it would be the disruption of the States, and he declared that it would be the duty of some of the States to move in that direction, or words to that effect.

The right of Jefferson (and Jefferson himself had some doubt upon it, it seems) to acquire territory by treaty or in any other way was denied. It seems to me we fail to see what I think everybody ought to recognize, that it is the right of every sovereign power, every nation, to add to its territory whenever it sees fit. I assert here that the Government of the United States may add territory to territory without any constitutional provision whatever, and that must have been understood by the fathers, because that was a recognized power of sovereignty which they could not have overlooked; and if they had not intended at the time that that should be done, they would have provided against it. They did not provide against it, and in the very beginning of our administration of public affairs we took in the Louisiana purchase.

I doubt whether there was anybody in the country who doubted that power to take in under some conditions. Mr. Jefferson doubted his power to take it in by treaty. In the Congress preceding his act there had been an appropriation of $2,000,000 for the purpose of purchasing a portion of the territory or purchasing rights in the territory, one or the other, or both. I do not remember the exact language. I tried to turn to it, but I can not, although I have read it.

Mr. DAVIS. It was a proposition to purchase that portion of Louisiana lying east of the Mississippi River.

Mr. TELLER. Yes; that was it. It was settling a conflict that was always arising between us and the people of that section. Congress appropriated $2,000,000. That might have been considered, so far as President Jefferson was concerned, a legislative declaration of the extent that we were willing to go, but instead of that he takes in the whole of the Louisiana country and agrees to pay $13,000,000 in addition, which was a tremendous sum when you consider the poverty of the country at that time. It was probably as great in real expense to the nation as the present war will be to us before we get through.

The Louisiana purchase brought on in this country a determined fight. We were told the same thing that the Senator from Georgia closed his speech by saying, that it is a revolution; that you are commencing now to do something that you will not be able to restrain yourselves from doing, and that you will take in some country, and that while this may not be very bad, you will ultimately take in some country that will have a population very diverse from ours, and therefore great harm may come. All that was heard in the House of Representatives with ten times the venom that you will hear it here now. The opponents of Jefferson went to work and figured it up in the public press. They said if you had piled one dollar on the other of the $15,000,000, it would reach to the very heavens. They estimated how many wagons it would take to carry the $15,000,000 of silver. All the press of the country in opposition to Jefferson teemed with these attacks. He was charged with corruption in it, and all those things.

Mr. President, does anybody doubt to-day, if we had failed to make that acquisition, but that we would have been a little, one-horse power, surrounded on the south as we are on the north, debarred from going to the Pacific coast, limited in our area? What would have been our condition then compared with our condition now?

When we took Texas, we heard the same howl, not from the Democratic party, that is coming up from some portion of it to-day, but from everybody who did not want to see that section of the country strengthened, and from the same class of men who are now complaining that the country would be so big that it would break down.

After the war we might have taken it from Mexico without paying a dollar. When we entered into an arrangement to take it from Mexico and pay for it, you heard the same complaint then that you hear now. It fell pretty quickly when they discovered that there were untold quantities of gold there. After the American people began to go out there to get it there was very little said about it. You had the same complaint when Florida was annexed. You have not annexed a foot of ground that this cry has not been heard. You had it when you annexed Alaska.

In the first place, there is nothing in this constitutional argument at all, in my judgment, with all deference to the Senator from Georgia. He assumes premises that are false, and his conclusions, of course, must be false because his premises are false, or they are liable to be at least.

Mr. President, I do not intend to debate this subject. I have said I would not, and I will not in extenso. But I want to say that I am not one of those who are afraid that the common sense and the patriotism of the American people will not restrain them from the acquisition of any undesirable territory. It is a reflection upon the American people to say that they can not trust themselves. I do not know what this war is to present to us. I confess I would not myself have felt unkindly disposed toward the postponement of this discussion until we could see to what we are brought and what great questions are presented to us.

But there is one thing certain; we have the same power as a nation that any other nation that flies its flag has, and you can not make the American people believe that the Government of the United States is not as capable of exercising the power of government in the Philippine Islands as any government in the world; that she can not give to those people a government infinitely better than they have had there for two hundred years. You can not make the American people believe that American liberty carried by our votes here, supported by this great nations of ours, will be a harm to the people who are asked to take their share in it.

Mr. President, if we have a mission to free Cuba, we have a mission to give to them a government if they do not have it; we have a mission if it is ours to step in there and say to Spain: "Get out, because you are incapable of managing the affairs here in accordance with the interests of the people." If it is our mission to do that, it will be our mission when we have done it to give them a government that shall secure to them the blessings of freedom, for which this country was established and for which it has stood before the world for more than a hundred years.

I hear with no degree of complacency people say, "You are

incapable as a republic of managing a colony—of managing territory not adjacent." Mr. President, the best hour that the world saw under Roman power was when it was a republic. The best government the world ever got under Roman influence was when it had not a Cæsar at its head, but when it had a republican form of government. If any people in the world are capable of maintaining colonies, it is a republic, or else a republic is a failure and monarchy or absolutism is better.

Do the American people believe it? No, Mr. President, they do not. I do not know what will be done when this war is over, but I will tell you what I believe, yet not wishing to take up and discuss mooted questions. I believe that wherever our flag flies by right of conquest or by the consent of the people who will let it be put up, there it will remain, and the party or the men who propose to take it down will reckon with the great body of the American people, who believe that it is the best flag and the best Government, better calculated to bring peace and prosperity to men than any other flag and Government under the sky.

Mr. WHITE. Mr. President, when I rose before I made no motion. I made a suggestion, expecting that there would be no opposition to it. From the conversation or debate which was had upon the floor to-day during the time when the Senator from Georgia [Mr. BACON] first occupied it, I presumed there would be no objection. I desire to inquire of the Senator from Minnesota [Mr. DAVIS] what his wish is in connection with this discussion?

Mr. DAVIS. Mr. President, I think the discussion should proceed until at least half past 5 o'clock.

Mr. WHITE. We are not ready to proceed to-night any further with the discussion. It is ten minutes to 5. We have debated it quite fully, and I regard the request of the Senator from Minnesota as unreasonable. I move that the Senate do now adjourn.

Mr. DAVIS. On that motion I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PENROSE (when his name was called). I am paired with the junior Senator from Delaware [Mr. KENNEY]. Were he present, he would vote on all these questions with the majority in this Chamber, and I will therefore vote. I make this announcement once for all. I vote "nay."

Mr. PENROSE (when Mr. QUAY's name was called). I desire to state that my colleague [Mr. QUAY] is absent, but is paired with the senior Senator from Delaware [Mr. GRAY], who is also absent. Were my colleague present, he would vote with the majority upon this question.

Mr. SULLIVAN (when his name was called). I am paired with the Senator from Illinois [Mr. MASON]. He is absent, and I refrain from voting.

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. He being absent, I withhold my vote.

The roll call was concluded.

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. If he were present, I should vote "nay."

Mr. GALLINGER (after having voted in the negative). I inquire as to whether the senior Senator from Texas [Mr. MILLS] has voted?

The VICE-PRESIDENT. The senior Senator from Texas has not voted.

Mr. GALLINGER. I am paired with that Senator, and will withdraw my vote.

Mr. NELSON (after having voted in the negative). I am paired with the junior Senator from Missouri [Mr. VEST], and withdraw my vote.

Mr. FAIRBANKS. I desire to state that the junior Senator from New York [Mr. PLATT] is necessarily absent. He is paired with the senior Senator from New York [Mr. MURPHY].

Mr. MALLORY (after having voted in the affirmative). I am paired with the junior Senator from Vermont [Mr. PROCTOR], and I desire to withdraw my vote.

Mr. GALLINGER. If it will be agreeable to the Senator from Florida, I suggest that we transfer our pairs so that we may both vote.

Mr. MALLORY. It will be perfectly agreeable to me.

Mr. GALLINGER. I am paired with the Senator from Texas [Mr. MILLS] and the Senator from Florida is paired with the Senator from Vermont [Mr. PROCTOR]. We transfer our pairs. I vote "nay."

Mr. MALLORY. I vote "yea."

Mr. DAVIS. I desire to state that the Senator from Oregon [Mr. MCBRIDE] is confined to his room by illness.

Mr. GALLINGER. I will announce that my colleague [Mr. CHANDLER] is unavoidably absent from the city, and is paired with the junior Senator from Louisiana [Mr. MCENERY].

Mr. BURROWS. I understand that the Senator from Colorado [Mr. WOLCOTT] is absent and unpaired. If there is no objection, I will transfer my pair to the Senator from Colorado, so that the Senator from Louisiana [Mr. CAFFERY] and the Senator from Colorado [Mr. WOLCOTT] will stand paired. I vote "nay."

The result was announced—yeas 15, nays 44; as follows:

YEAS—15.

Bacon,	Chilton,	Mallory,	Turley,
Bate,	Clay,	Pasco,	Turner,
Berry,	Cockrell,	Pettigrew,	White.
Butler,	Jones, Ark.	Roach,	

NAYS—44.

Aldrich,	Foraker,	Kyle,	Pritchard,
Allison,	Frye,	Lindsay,	Rawlins,
Baker,	Gallinger,	Lodge,	Sewell,
Burrows,	Gorman,	McLaurin,	Shoup,
Cannon,	Hale,	McMillan,	Spooner,
Carter,	Hanna,	Money,	Stewart,
Clark,	Hansbrough,	Morgan,	Teller,
Cullom,	Harris,	Penrose,	Warren,
Davis,	Hawley,	Perkins,	Wellington,
Elkins,	Heitfeld,	Pettus,	Wetmore,
Fairbanks,	Hoar,	Platt, Conn.	Wilson.

NOT VOTING—30.

Allen,	Jones, Nev.	Mitchell,	Sullivan,
Caffery,	Kenney,	Morrill,	Thurston,
Chandler,	McBride,	Murphy,	Tillman,
Daniel,	McEnery,	Nelson,	Turpie,
Deboe,	Mantle,	Platt, N. Y.	Vest,
Faulkner,	Martin,	Proctor,	Wolcott.
Gear,	Mason,	Quay,	
Gray,	Mills,	Smith,	

So the Senate refused to adjourn.

Mr. WHITE. As I remarked when I took the floor a moment ago, it struck me that for an initial day we have done pretty well. I still think so.

Mr. DAVIS. Mr. President——

Mr. WHITE. I wish to take the floor myself the first thing in the morning. I did not feel like doing it to-night, and I do not intend to speak this evening. I suggest to the Senator from Minnesota, especially in view of the fact that we have sat here to-day a great deal of the time without a quorum and without any suggestion from us, and while we are making no concessions of any kind at all, but are simply asking for what we think should be right and fair, that there should be no opposition to a motion either to adjourn or to go into executive session. Of course we have just voted upon the adjournment question, but I am not especially anxious about that. I shall be prepared to go on to-morrow and desire to do so. No one else seems to be ready to go on to-night. I will not make the motion myself, but I suggest to the Senator from Minnesota that perhaps it might not impede anything if he made the motion.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I ask the Senator from Minnesota if he will not allow half an hour to be spent in the consideration of the bankruptcy bill?

Mr. TELLER and others. Oh, not to-night.

Mr. MCMILLAN. Will the Senator allow me to present a conference report?

The VICE-PRESIDENT. The Chair will suggest that a number of House bills and other matters are to be laid before the Senate. Does the Senator from Minnesota insist on his motion?

Mr. DAVIS. Certainly not. I withdraw the motion.

Mr. HOAR. If I can have the attention of the Senate, I will state that the bankruptcy measure as proposed by the conferees has been the result of a great deal of hard work, especially on the part of the Senator from Minnesota [Mr. NELSON]. After a great deal of difficulty an agreement has been reached in which the desire of the Senate has almost wholly prevailed. Several gentlemen who have previously opposed such a measure have stated to me that they think this is very satisfactory, and some others who are not prepared to support it say that nearly all their objections are gone. It has the right of way.

I suppose under the rules of this body I have a right to take a Senator off the floor and submit the question of the consideration of the report. I do not propose to do that, because it is very clear that a majority of the Senate desires to have the matter which has been discussed to-day considered, but I give notice that whenever a convenient time comes, when by reason of the failure of a Senator to be ready to speak or for any other good cause the gentlemen who are in charge of the pending joint resolution wish to yield the floor of the Senate for a short time, I shall avail myself of the first opportunity to call up that measure, and I shall remain here vigilant and constant. I am staying in the Senate at an enormous sacrifice to myself for the purpose of having the conference report considered.

The VICE-PRESIDENT. The Chair lays before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 247) granting an increase of pension to John Doebler;

A bill (H. R. 258) granting a pension to Margaret Wilber;
A bill (H. R. 312) granting a pension to Ellen Wright;
A bill (H. R. 990) granting an increase of pension to George E. Welles;
A bill (H. R. 1045) granting a pension to Mary A. Caulfield;
A bill (H. R. 1373) granting an increase of pension to Frances P. Trumbull;
A bill (H. R. 2157) granting a pension to Herman Dellit;
A bill (H. R. 2267) to increase the pension of Jeremiah Hackett;
A bill (H. R. 2869) granting a pension to Eliza J. Mead;
A bill (H. R. 2981) granting an increase of pension to James W. Jackson;
A bill (H. R. 3271) to increase the pension of Mrs. Rebecca S. Foster;
A bill (H. R. 3487) for increase of pension of John W. Majors;
A bill (H. R. 3598) granting a pension to Henrietta Fowler;
A bill (H. R. 3624) granting a pension to Pauline Robbins;
A bill (H. R. 4001) granting an increase of pension to Robert Fletcher;
A bill (H. R. 4200) granting an increase of pension to Ellen Stack;
A bill (H. R. 4283) granting an increase of pension to William B. Murray;
A bill (H. R. 4315) to increase the pension of George D. Phinney;
A bill (H. R. 5102) granting an increase of pension to Edson Sullivan;
A bill (H. R. 5153) granting a pension to Cordelia Cheney;
A bill (H. R. 5385) granting a pension to A. C. Litchfield;
A bill (H. R. 5402) to increase the pension of Louis Hirsch;
A bill (H. R. 5762) granting an increase of pension to Joel W. Gibson;
A bill (H. R. 5992) granting a pension to Mrs. Mary A. Freeman;
A bill (H. R. 6625) for the relief of George B. Stone;
A bill (H. R. 6645) to increase the pension of Theodore W. Cobia;
A bill (H. R. 6714) granting an increase of pension to Mary M. Walrath;
A bill (H. R. 6831) granting an increase of pension to Taylor McFarland;
A bill (H. R. 6944) to pension John F. Gates;
A bill (H. R. 7010) granting a pension to Mrs. Mary H. Harbour;
A bill (H. R. 7362) to grant a pension to Junius Alexander;
A bill (H. R. 7583) granting an increase of pension to John A. Whitman;
A bill (H. R. 8037) granting an increase of pension to Lizzie Waltz;
A bill (H. R. 8180) granting a pension to Isabella Cross;
A bill (H. R. 8266) to increase the pension of Ann Gibbons;
A bill (H. R. 8723) granting an increase of pension to Juliette Harrow;
A bill (H. R. 8862) granting an increase of pension to Jordan Thomas;
A bill (H. R. 9141) granting a pension to Mrs. A. A. Pinkston;
A bill (H. R. 9187) granting an increase of pension to Missouri B. Ross;
A bill (H. R. 9310) granting an increase of pension to Henry H. Preston;
A bill (H. R. 9393) to increase the pension of Michael Meehan;
A bill (H. R. 9801) granting an increase of pension to Emer H. Aldrich; and
A bill (H. R. 9866) granting a pension to Joseph Griffith.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (H. R. 638) for the relief of George W. Dunning;
A bill (H. R. 1213) granting an honorable discharge to W. G. Neeley, of Canon City, Colo.;
A bill (H. R. 1778) for the relief of Wesley Van Over, late of Company C, One hundred and ninth New York Volunteers, and Company G, Eighth Pennsylvania Cavalry;
A bill (H. R. 3297) to remove the charge of desertion from the military record of William Henry Woodward;
A bill (H. R. 3567) to remove the charge of desertion against Gardner Dodge;
A bill (H. R. 4253) granting an honorable discharge to Thomas West;
A bill (H. R. 6162) removing the charge of desertion from the record of Robert V. Hancock; and
A bill (H. R. 6930) for relief of and to correct record of Jacob Covert.

THOMAS S. TEFFT.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 8299) granting an increase of pension to Thomas S. Tefft and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist on its amendment and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MITCHELL were appointed.

HENRY K. OPP.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 6411) granting an increase of pension to Henry K. Opp and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist on its amendment and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MITCHELL were appointed.

GEORGE W. PALMER.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on the bill (S. 125) granting an increase of pension to George W. Palmer, which was, in line 7, to strike out "twenty-four" and insert "twenty."

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

NANCY BARGER.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4451) granting a pension to Nancy Barger, which was, in line 4, to strike out "restore to" and insert "place on."

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

ECKINGTON AND SOLDIERS' HOME RAILWAY, ETC.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway, of the District of Columbia, and the Maryland and Washington Railway Company, and for other purposes, further insisting on its disagreement to the amendments of the Senate, and asking for a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MCMILLAN. I move that the Senate insist on its amendments and agree to the further conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees; and Mr. MCMILLAN, Mr. FAULKNER, and Mr. GORMAN were appointed.

JULIA E. WARNER.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4004) granting a pension to Julia E. Warner, which were, in line 6, to strike out the words "the late," and in line 8, after the word "pension," to insert "at the rate."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

WILLIAM J. WILLIAMS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3722) granting a pension to William J. Williams, which was, in line 7, after the word "pension," to insert "at the rate."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

JOHN C. BROWN.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3474) granting a pension to John C. Brown, which were, in line 6, to strike out "of Tacoma, Wash." and insert "late of Company D, Eighty-fourth New York Volunteers, and Company H, Fifth Regiment New York Veteran Volunteer Infantry, otherwise known as Duryea's Zouaves;" in lines 6 and 7, to strike out the words "that he be granted" and insert "pay him;" in line 7, after the word "pension," to insert "at the rate;" in lines 7 and 8, to strike out "$17 per month now granted him" and insert "the pension he now receives;" and to amend the title so as to read: "A bill granting an increase of pension to John C. Brown."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

CHARLES E. MANN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2247) granting a pension to Charles E. Mann, which was, in line 7, after the word "Volunteers," to insert "and pay him a pension."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

THOMAS MADDEN.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2219) granting a pension to Thomas Madden, which were, in lines 4 and 5, to strike out the words "at the rate of $8 per month;" and in line 6, after the word "Infantry," to insert "and pay him a pension at the rate of $8 per month."

Mr. GALLINGER. I move concurrence in the amendments of the House of Representatives.

The motion was agreed to.

JESSE O. DAVY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2112) granting a pension to Jesse O. Davy, which was, in line 7, after the word "Infantry," to insert "and pay him a pension."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

REBECCA E. KUTZ.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2114) granting a pension to Rebecca E. Kutz, which was, in line 8, after the word "Infantry," to insert "and pay her a pension at the rate of $12 per month."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

PAUL CARR.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1539) granting a pension to Paul Carr, which were, in line 7, to strike out "to;" in lines 8 and 9, to strike out "from and after the passage of this act," and insert "in lieu of the pension he is now receiving, same to be paid to his duly appointed guardian;" and to amend the title so as to read: "A bill granting an increase of pension to Paul Carr."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

SUSAN M. SESSFORD.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1090) to pension Mrs. Susan M. Sessford, which was, in line 7, to strike out all after the name "Martin" down to and including the word "paid," in line 11, and insert "late of Company D, Second Battalion District of Columbia Infantry, and pay her a pension."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

LEVI R. LONG.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 947) granting a pension to Levi R. Long, which were, in line 7, after the word "Cavalry," to insert "and pay him a pension," and to amend the title so as to read: "A bill granting an increase of pension to Levi R. Long."

Mr. GALLINGER. I move concurrence in the amendments of the House of Representatives.

The motion was agreed to.

SAMUEL A. SMITH.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 166) granting an increase of pension to Samuel A. Smith, which was, in line 7, to strike out the word "grant" and insert "pay."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

JOHN H. MULLEN.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 156) to increase the pension of Capt. John H. Mullen, which were, in line 6, after the word "pension," to insert "at the rate," and to amend the title so as to read: "A bill granting an increase of pension to John H. Mullen."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

PORT OF ENTRY AT SABINE PASS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3209) making Sabine Pass and Port Arthur, in the State of Texas, subports of entry and delivery, which were to strike out all after the enacting clause and insert:

That Sabine Pass, in the State of Texas, shall be, and is hereby, made a subport of entry and delivery in the customs district of Galveston, and a customs officer, or such other officers, shall be stationed at said subport, with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require.

Also to amend the title so as to read: "A bill making Sabine Pass, in the State of Texas, a subport of entry and delivery."

Mr. FRYE. As originally reported from the Committee on Commerce, this provision applied to Sabine Pass alone. On motion of the Senator from Missouri [Mr. COCKRELL], and with the consent of the Senator who reported the bill, Port Arthur was added to it. The opinion of the committee was against Port Arthur; the recommendation of the Secretary of the Treasury was against Port Arthur; and therefore I move that the Senate concur in the amendment of the House of Representatives which strikes out Port Arthur.

Mr. COCKRELL. There is possibly at this time no actual necessity for Port Arthur being a subport of entry and delivery. The time will soon be, however, when it will in all probability be absolutely necessary. As I understand, the friends of Port Arthur are not disposed to throw any unnecessary obstacles in the way of Sabine Pass being made a port of entry and delivery, trusting that when Port Arthur is in a condition to be a subport that Congress will grant the right. I shall not, therefore, resist agreeing to the amendment made by the House of Representatives.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine [Mr. FRYE], that the amendments made by the House of Representatives be concurred in.

The motion was agreed to.

BELT RAILWAY COMPANY.

Mr. MCMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8541) to define the rights of purchasers of the Belt Railway, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 4.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same amended as follows: On page 2, beginning with line 20, strike out all to and including the word "void," on page 3, line 10, and in place thereof insert "*Provided*, That stock and bonds may be issued to such an amount and upon such terms as may be agreed upon by a majority vote of the stockholders of such company: *And provided further*, That the issue of such stock and bonds shall not in the aggregate exceed the amount necessary for effecting any such purchase, lease, or acquisition, and for the construction, reconstruction, and equipment of said Belt Railway, and shall in no case exceed the sum of $150,000 per mile of single track;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same amended as follows: In lieu of the matter proposed to be inserted as section 4, insert:

"SEC. 3. That the Commissioners of the District of Columbia are hereby authorized and required to station special policemen at such street railway crossings and intersections in the City of Washington as the said Commissioners may deem necessary, the expense of such service to be paid pro rata by the respective companies; every car shall be brought to a full stop immediately before making such crossing or intersection. Neglect or failure to pay for the service monthly or to stop any car, as herein provided for, shall subject the company to a fine of not to exceed $25 for every such neglect or failure, to be recovered in any court of competent jurisdiction."

And that the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, and 8, and agree to the same amended as follows: Number the sections of the bill consecutively; and that the Senate agree to the same.

JAMES MCMILLAN,
CHAS. J. FAULKNER,
A. P. GORMAN,
Managers on the part of the Senate.

J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.

The report was agreed to.

ECKINGTON AND SOLDIERS' HOME RAILWAY.

Mr. MCMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway Company, of the District of Columbia, the Maryland and Washington Railway Company, and for other

purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered from 1 to 4, inclusive; 6 to 9, inclusive; 11, 13, 16 to 18, inclusive, 20 to 24, inclusive, and 26, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In the matter proposed to be inserted, after the word "lighting," in line 6, insert the words "and propelling;" and in the same line, after the word "cars," insert the words "and other machinery;" and at the end of said matter add the following: "*Provided however*, That the Commissioners of the District of Columbia are hereby authorized to permit street-railway companies using the underground electric system to construct conduits not exceeding 5 blocks in length, to connect their existing conduits for the purpose of conveying electric current to be used for street-railway purposes only;" and that the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same amended by inserting after the words "from the opening" the words "and grading;" and that the Senate agree to the same.

That the Senate recede from its amendments numbered 5 and 14.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same amended as follows: On page 3, line 7, strike out the words "unless the roadway of;" all of lines 8, 9, and 10; and in line 11 the words "between New York avenue and G street," and insert "the roadway shall be widened to a width of 45 feet, one-half at the expense of said company and one-half at the expense of any District of Columbia appropriation available for such work;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same amended as follows: In lieu of the matter proposed to be stricken out, on page 4, line 13, strike out all after the word "act" to the end of the section and insert the following: "or otherwise: *Provided*, That such stock and bonds shall be issued to such an amount and upon such terms as may be agreed upon by the majority stockholders of such company: *And provided further*, That the issue of such bonds and stock shall not in the aggregate exceed the amount necessary for effecting any such purchase, lease, or acquisition and for the construction, reconstruction, and equipment aforesaid, and the total outstanding bonds and stock shall in no event exceed the sum of $150,000 per mile of single track."

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same amended as follows: In line 3 of the matter proposed to be inserted strike out the word "Company" and insert the words "of Washington;" and the Senate agree to the same.

JAMES McMILLAN,
CHAS. J. FAULKNER,
A. P. GORMAN,
Managers on the part of the Senate.

J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.

The report was agreed to.

MILITARY INFORMATION DIVISION.

Mr. ALLISON. I am instructed by the Committee on Appropriations, to whom was referred the joint resolution (H. Res. 251) to limit section 3 of "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal years ending June 30, 1898 and 1899, and for other purposes," to report it with amendments. I ask unanimous consent for its consideration at this time. It will take but a few minutes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The first amendment reported by the Committee on Appropriations was, in line 7, after the words "section 3," to strike out "page 45;" in line 9, after the date "June 30," to strike out "1898, and;" and in line 2, on page 2, to strike out "American" and insert "United States;" so as to read:

That the prohibition of the purchase of "law books, books of reference, and periodicals for use of any Executive Department, or other Government establishment not under an Executive Department, at the seat of government," as set forth in section 3 of "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes," shall not apply to the provision "for contingent expenses of the military information division, Adjutant-General's Office, and of the military attachés at the United States embassies and legations abroad, to be expended under the direction of the Secretary of War, $3,640," as duly set forth in the act "making appropriations for the support of the Army for the fiscal year ending June 30, 1898," approved March 2, 1897, and in the act "making appropriations for the support of the Army for the fiscal year ending June 30, 1899," approved March 15, 1898.

The amendment was agreed to.

The next amendment was, at the end of the joint resolution, to insert:

And the limitation in section 192 of the Revised Statutes of $100 as the amount to be expended in any one year for newspapers for any Department shall not apply to the purchase of newspapers for military use by the military information division of the Adjutant-General's Office from the appropriations for the support of the Army for the fiscal years herein named.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

On motion of Mr. ALLISON, the title was amended so as to read: "A joint resolution relating to the purchase of law books, books of reference, periodicals, and newspapers for the military information division, Adjutant-General's Office."

EXECUTIVE SESSION.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 21, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 20, 1898.

UNITED STATES MARSHAL.

J. F. Emmitt, of Nevada, to be marshal of the United States for the district of Nevada, vice George M. Humphrey, whose term expired November 2, 1897.

CONSUL.

John E. Hopley, of Ohio, to be consul of the United States at Southampton, England, vice Warner S. Kinkead, resigned.

MEDICAL DIRECTOR IN NAVY.

Medical Inspector Joseph B. Parker, to be a medical director in the Navy, from the 18th day of June, 1898, vice Medical Director Daniel McMurtrie, retired.

APPOINTMENTS IN THE VOLUNTEER ARMY.

TO BE BRIGADIER-GENERALS.

Adelbert Ames, of Massachusetts.
Joseph W. Plume, of New Jersey.

SIXTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be captain.

Charles R. Evans, of Tennessee.

SEVENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be captains.

Harry Bingham, of Maryland.
John H. Lewis, of the District of Columbia.

SECOND REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be first lieutenant.

David H. Gildersleeve, of Pennsylvania.

THIRD REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be lieutenant-colonel.

Eugene J. Spencer, of Missouri.

To be major.

First Lieut. Edgar Jadwin, Corps of Engineers, United States Army.

TO BE ENGINEER OFFICERS WITH THE RANK OF MAJOR.

Capt. Graham D. Fitch, Corps of Engineers, United States Army.
Capt. Hugh J. McGrath, Fourth United States Cavalry.
Charles Allison, of Tennessee.

TO BE CHIEF QUARTERMASTER WITH THE RANK OF MAJOR.

Capt. James L. Wilson, Sixth United States Artillery.

TO BE CHIEF COMMISSARY OF SUBSISTENCE WITH THE RANK OF MAJOR.

First Lieut. Harry E. Wilkins, Second United States Infantry.

TO BE ASSISTANT ADJUTANTS-GENERAL WITH THE RANK OF MAJOR.

First Lieut. William E. Almy, Fifth United States Cavalry.
First Lieut. Robert H. Noble, First United States Infantry.

TO BE ADDITIONAL PAYMASTERS.

Clark M. Carr, of Missouri.
Ralph Hartzell, of Colorado.
S. Heth Tyler, of Virginia.
William B. Dwight, of Connecticut.

TO BE ASSISTANT ADJUTANTS-GENERAL WITH THE RANK OF CAPTAIN.

First Lieut. Edward Anderson, Seventh United States Cavalry.
Francis B. Harrison, Troop A, New York Cavalry.

TO BE ASSISTANT QUARTERMASTERS WITH THE RANK OF CAPTAIN.

First Lieut. Wirt Robinson, Fourth United States Artillery.
First Lieut. Samuel A. Smoke, Nineteenth United States Infantry.
Second Lieut. Samuel V. Ham, Fifth United States Infantry.
Oscar Guessaz, of Texas.
William L. Cowling, of Virginia.
Ross Matthews, of Illinois.
Edward B. Harrison, of Virginia.

TO BE COMMISSARIES OF SUBSISTENCE WITH THE RANK OF CAPTAIN.

Robert Dudley Winthrop, of New York.
William H. Lyons, of Kentucky.
John M. Tobin, of Massachusetts.
Charles Deloney, of Wyoming.
Nathaniel T. Messer, of California.
Charles W. Neal, of Iowa.

TO BE INSPECTOR-GENERAL WITH THE RANK OF MAJOR.

Capt. John S. Mallory, Second United States Infantry.

UNITED STATES VOLUNTEER SIGNAL CORPS.

To be captain.

First Lieut. Edgar Russell, Sixth United States Artillery.

To be first lieutenants.

Frank O. Bailey, first-class sergeant, United States Volunteer Signal Corps.

Newton Cannon, of Tennessee.

Charles A. Clark, of Illinois.

Peter J. Reddy, of Wyoming.

William Jarvie, jr., of New York.

Charles M. Duffy, of Kentucky.

TO BE ADDITIONAL PAYMASTER.

Fred N. Rix, of Arkansas. Mr. Rix was nominated to the Senate on the 3d instant, and confirmed on the 6th instant, under the name of Fred M. Rix.

POSTMASTERS.

Thomas J. Alexander, to be postmaster at Santa Ana, in the county of Orange and State of California, in the place of H. A. Peabody, whose commission expired May 26, 1898.

Alice A. Hanna, to be postmaster at Oakdale, in the county of Stanislaus and State of California, in the place of W. A. Griffin, whose commission expires July 20, 1898.

J. S. McHarg, to be postmaster at Walsenburg, in the county of Huerfano and State of Colorado, in the place of George Mason, removed.

Bradley S. Keith, to be postmaster at Norwalk, in the county of Fairfield and State of Connecticut, in the place of W. H. Malone, whose commission expires July 9, 1898.

William P. Leete, to be postmaster at North Haven, in the county of New Haven and State of Connecticut, in the place of F. E. Jacobs, whose commission expires July 10, 1898.

George A. Lemmon, to be postmaster at Thomaston, in the county of Litchfield and State of Connecticut, in the place of A. E. Blakeslee, whose commission expired June 16, 1898.

Willis W. Mildrum, to be postmaster at East Berlin, in the county of Hartford and State of Connecticut, in the place of L. A. Westcott, whose commission expires July 10, 1898.

Thomas Walker, to be postmaster at Plantsville, in the county of Hartford and State of Connecticut, in the place of Thomas Buckley, whose commission expires July 9, 1898.

William P. Carter, to be postmaster at Lewes, in the county of Sussex and State of Delaware, in the place of Clarence Beebe, whose commission expired October 25, 1897.

Silas D. Patton, to be postmaster at El Paso, in the county of Woodford and State of Illinois, in the place of I. J. Jenkins, removed.

Joel S. Ray, to be postmaster at Arcola, in the county of Douglas and State of Illinois, in the place of Albert Snyder, whose commission expired February 16, 1898.

Hezekiah S. Van Dervort, to be postmaster at Warren, in the county of Jo Daviess and State of Illinois, in the place of T. J. Greenwood, whose commission expired May 29, 1898.

J. T. Van Gundy, to be postmaster at Monticello, in the county of Piatt and State of Illinois, in the place of T. N. Moffitt, whose commission expired May 31, 1898.

Leroy H. Camp, to be postmaster at Laporte City, in the county of Blackhawk and State of Iowa, in the place of E. Duke Naven, resigned.

Susan C. Carpenter, to be postmaster at Fort Dodge, in the county of Webster and State of Iowa, in the place of C. F. Duncombe, whose commission expired May 23, 1898.

Charles M. Junkin, to be postmaster at Fairfield, in the county of Jefferson and State of Iowa, in the place of G. D. McGaw, whose commission expires June 23, 1898.

Daniel R. Anthony, jr., to be postmaster at Leavenworth, in the county of Leavenworth and State of Kansas, in the place of S. B. Lynch, whose commission expired June 7, 1898.

William E. Menoher, to be postmaster at Lincoln, in the county of Lincoln and State of Kansas, in the place of John Whalen, whose commission expired May 28, 1898.

Henry G. Trimble, to be postmaster at Somerset, in the county of Pulaski and State of Kentucky, in the place of J. E. Claunch, whose commission expired February 21, 1898.

Frank H. Fales, to be postmaster at South Framingham, in the county of Middlesex and State of Massachusetts, in the place of E. J. Slattery, whose commission expired May 26, 1898.

Christina D. Fosdick, to be postmaster at Groton, in the county of Middlesex and State of Massachusetts, in the place of Christina D. Fosdick, whose commission expired April 11, 1898. (Reappointment.)

Darwin M. Bainbridge, to be postmaster at Clinton, in the county of Lenawee and State of Michigan, in the place of A. F. Kishpaugh, whose commission expires July 10, 1898.

David E. Wilson, to be postmaster at Belding, in the county of Ionia and State of Michigan, in the place of H. J. Connell, whose commission expired January 9, 1898.

C. L. Frost, to be postmaster at Odessa, in the county of Lafayette and State of Missouri, in the place of J. F. McIntyre, whose commission expires July 20, 1898.

Edgar M. Rowe, to be postmaster at Charleston, in the county of Mississippi and State of Missouri, in the place of M. A. Drane, removed.

Thomas B. Tuttle, to be postmaster at Carthage, in the county of Jasper and State of Missouri, in the place of B. F. Thomas, whose commission expires July 10, 1898.

John A. Anderson, to be postmaster at Wahoo, in the county of Saunders and State of Nebraska, in the place of John F. Sherman, whose commission expires July 30, 1898.

Marcellus S. Storer, to be postmaster at Nelson, in the county of Nuckolls and State of Nebraska, in the place of I. G. Foster, whose commission expired March 9, 1898.

Henry J. Jones, to be postmaster at Elko, in the county of Elko and State of Nevada, in the place of I. N. Sherwood, removed.

Ossian D. Knox, to be postmaster at Manchester, in the county of Hillsboro and State of New Hampshire, in the place of E. J. Knowlton, whose commission expired April 18, 1898.

Frank H. Melville, to be postmaster at Bayonne, in the county of Hudson and State of New Jersey, in the place of J. W. Goddard, removed.

Charles W. Powers, to be postmaster at Bloomfield, in the county of Essex and State of New Jersey, in the place of F. B. Dailey, removed.

John L. Kyne, to be postmaster at East Syracuse, in the county of Onondaga and State of New York, in the place of J. H. Damon, removed.

James M. Miller, to be postmaster at Washingtonville, in the county of Orange and State of New York, in the place of R. B. Barrett, resigned.

Samuel D. Mulholland, to be postmaster at Port Henry, in the county of Essex and State of New York, in the place of Peter McRory, whose commission expired March 20, 1898.

Francis H. Salt, to be postmaster at Niagara Falls, in the county of Niagara and State of New York, in the place of W. P. Horne, whose commission expired May 31, 1898.

David O. Williams, to be postmaster at Mount Vernon, in the county of Westchester and State of New York, in the place of C. S. McClellan, whose commission expired April 7, 1898.

Jacob H. Boger, to be postmaster at Findlay, in the county of Hancock and State of Ohio, in the place of J. M. Barr, whose commission expired May 2, 1898.

W. F. Pierce, to be postmaster at Forest, in the county of Hardin and State of Ohio, in the place of Matthew Briggs, removed.

William B. Woodmansee, to be postmaster at Sabina, in the county of Clinton and State of Ohio, in the place of J. E. Hill, removed.

J. H. Holmes, to be postmaster at Freeport, in the county of Armstrong and State of Pennsylvania, in the place of F. A. Seitz, whose commission expires July 30, 1898.

Thomas L. Johnson, to be postmaster at Northumberland, in the county of Northumberland and State of Pennsylvania, in the place of W. H. Morgan, whose commission expired June 11, 1898.

Thomas Johnston, to be postmaster at Apollo, in the county of Armstrong and State of Pennsylvania, in the place of E. A. Townsend, whose commission expired September 9, 1897.

Isaac T. Klingensmith, to be postmaster at Leechburg, in the county of Armstrong and State of Pennsylvania, in the place of D. K. Hill, whose commission expired June 2, 1898.

Charles E. Redman, to be postmaster at Sharpsburg, in the county of Allegheny and State of Pennsylvania, in the place of Cornelius Casey, whose commission expired March 15, 1898.

Jesse H. Roberts, to be postmaster at Downingtown, in the county of Chester and State of Pennsylvania, in the place of D. M. Cox, whose commission expired April 24, 1898.

Albert Secor, to be postmaster at Sheffield, in the county of Warren and State of Pennsylvania, in the place of M. A. Black, whose commission expired May 28, 1898.

Christian H. Sheets, to be postmaster at Braddock, in the county of Allegheny and State of Pennsylvania, in the place of M. M. Shaw, whose commission expires July 30, 1898.

Andrew S. Warner, to be postmaster at Tarentum, in the county of Allegheny and State of Pennsylvania, in the place of J. J. Finney, whose commission expired March 15, 1898.

James E. Bowen, to be postmaster at Central Falls, in the county of Providence and State of Rhode Island, in the place of F. E. Phillips, whose commission expires July 30, 1898.

John H. Caswell, to be postmaster at Narragansett Pier, in the county of Washington and State of Rhode Island, in the place of P. B. Davis, whose commission expires July 10, 1898.

Charles S. Robinson, to be postmaster at Lonsdale, in the county

of Providence and State of Rhode Island, in the place of M. J. Ryan, whose commission expires July 10, 1898.

John W. Dunovant, to be postmaster at Chester, in the county of Chester and State of South Carolina, in the place of C. A. Youngblood, whose commission expired May 11, 1898.

John Morgan, to be postmaster at Dayton, in the county of Rhea and State of Tennessee, in the place of C. D. Broyles, whose commission expires July 11, 1898.

D. D. Jones, to be postmaster at Gonzales, in the county of Gonzales and State of Texas, in the place of J. W. Ramsay, whose commission expired April 5, 1898.

Frederick G. Ellison, to be postmaster at Springfield, in the county of Windsor and State of Vermont, in the place of J. W. Pierce, whose commission expires August 4, 1898.

John T. Davenport, to be postmaster at Gordonsville, in the county of Orange and State of Virginia, in the place of W. O. Blakey, whose commission expired May 26, 1898.

W. W. Ward, to be postmaster at Dayton, in the county of Columbia and State of Washington, in the place of W. H. Van Lew, whose commission expired 27, 1898.

James E. McGlothlin, to be postmaster at Ravenswood, in the county of Jackson and State of West Virginia, in the place of Frank Cooper, whose commission expires July 20, 1898.

George A. Packard, to be postmaster at Bayfield, in the county of Bayfield and State of Wisconsin, in the place of J. D. Cruttenden, resigned.

WITHDRAWALS.

Executive nominations withdrawn June 20, 1898.

Walter D. Bettis, of Texas, for the office of major, Ninth Regiment United States Volunteer Infantry, which was delivered to the Senate on the 17th instant.

William B. Dwight, of Connecticut, for the office of commissary of subsistence, United States Volunteers, with the rank of captain, which was delivered to the Senate on the 13th instant.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 20, 1898.

APPOINTMENT IN THE VOLUNTEER ARMY.

Edward Martin, of Pennsylvania, to be brigade surgeon.

COLLECTOR OF CUSTOMS.

Claremont C. Drake, of Texas, to be collector of customs for the district of Saluria, in the State of Texas.

POSTMASTERS.

B. E. Raulerson, to be postmaster at Lake City, in the county of Columbia and State of Florida.

Wilbur P. Keays, to be postmaster at Buffalo, in the county of Johnson and State of Wyoming.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 20, 1898.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed joint resolutions and bills of the following titles; in which the concurrence of the House was requested:

S. R. 175. Joint resolution providing for the printing of additional copies of certain volumes of Decisions of the Department of the Interior Relating to Public Lands for sale and distribution;

S. 4783. An act providing for the public printing and binding and distribution of public documents, approved January 12, 1895;

S. 346. An act providing for the erection of a public building at the city of Seattle, in the State of Washington;

S. 1114. An act for the establishment of a light and fog signal on or near Sabine Bank, Texas;

S. 1618. An act to authorize the President to place William T. Godwin on the retired list with the rank of first lieutenant;

S. 4741. An act to authorize the construction of a bridge over Tombigbee River, in the State of Mississippi;

S. 3414. An act to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank; and

S. 4744. An act granting a pension to Mary E. Hatch.

The message also announced that the Senate had passed with amendments the bill (H. R. 10280) to require the Brightwood Railway Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets; in which the concurrence of the House was requested.

DISTRICT APPROPRIATION BILL.

Mr. DOCKERY. Mr. Speaker, I desire to call up the pending amendment of the District appropriation bill. I do this at the request of the gentleman from Vermont [Mr. GROUT], who is unavoidably absent.

The SPEAKER. The Chair understands the previous question and the yeas and nays have been ordered upon the amendment which the Clerk will report to the House.

The Clerk reported the amendment, as follows:

On page 20, after line 7, insert "toward the construction of foundation for the bridge across Rock Creek on the line of Massachusetts avenue extended, $25,000."

The SPEAKER. The question is, Will the House recede and concur in the amendment which has been reported by the Clerk? As many as are in favor will, when their names are called, say "aye," and those opposed "no."

The question was taken; and there were—yeas 101, nays 54, answered "present" 17, not voting 183; as follows:

YEAS—101.

Allen,	Evans,	McCleary,	Sherman,
Babcock,	Faris,	McClellan,	Showalter,
Baker, Md.	Fenton,	McCulloch,	Slayden,
Barham,	Fletcher,	McIntire,	Smith, Wm. Alden
Berry,	Gardner,	Mahon,	Spalding,
Bishop,	Green, Mass.	Marsh,	Sperry,
Booze,	Griffin,	Mesick,	Stewart, N. J.
Bromwell,	Hager.	Mills,	Stone, C. W.
Brown,	Hamilton,	Moody,	Stone, W. A.
Brownlow,	Hawley,	Morris,	Strode, Nebr.
Bull,	Hemenway,	Mudd,	Sulloway,
Burleigh,	Henderson,	Newlands,	Sulzer,
Butler,	Henry, Conn.	Northway,	Tawney,
Cannon,	Hill,	Olmsted,	Taylor, Ala.
Chickering,	Hull,	Otey,	Terry,
Clark, Iowa	Johnson, Ind.	Otjen,	Wadsworth,
Clarke, N. H.	Johnson, N. Dak.	Payne,	Walker, Va.
Cousins,	Jones, Wash.	Pearson,	Warner,
Cummings,	Kerr,	Perkins,	Weymouth,
Curtis, Iowa	Ketcham,	Prince,	White, Ill.
Curtis, Kans.	Kleberg,	Pugh,	Wilson,
Dalzell,	Knox,	Ray,	Wise,
Davenport,	Lawrence,	Reeves,	Young.
Dingley,	Lewis, Wash.	Richardson,	
Dolliver,	McAleer,	Robbins,	
Ellis,	McCall,	Shattuc,	

NAYS—54.

Bailey,	Hay,	McDowell,	Rixey,
Baker, Ill.	Henry, Miss.	Maddox,	Robb,
Barlow,	Henry, Tex.	Maguire,	Shafroth,
Bell,	Hepburn,	Mahany,	Simpson,
Brewer,	Hitt,	Marshall,	Sparkman,
Broderick,	Howard, Ala.	Maxwell,	Stark,
Brucker,	Jones, Va.	Moon,	Steele,
Burke,	Kelley,	Norton, S. C.	Strait,
Burton,	King,	Osborne,	Strowd, N. C.
Codding,	Knowles,	Parker, N. J.	Tate,
Cowherd,	Lewis, Ga.	Peters,	Tongue,
De Armond,	Linney,	Pierce, Tenn.	Wheeler, Ky.
Fleming,	Lloyd,	Rhea,	
Gunn,	Love,	Ridgely,	

ANSWERED "PRESENT"—17.

Bankhead,	Dinsmore,	Little,	Sims,
Bartlett,	Dockery,	Loud,	Stephens, Tex.
Brundidge,	Ermentrout,	McMillin,	
Clark, Mo.	Jenkins,	McRae,	
De Vries,	Landis,	Meyer, La.	

NOT VOTING—183.

Acheson,	Capron,	Foote,	Kitchin,
Adams,	Carmack,	Foss,	Kulp,
Adamson,	Castle,	Fowler, N. C.	Lacey,
Aldrich,	Catchings,	Fowler, N. J.	Lamb,
Alexander,	Clardy,	Fox,	Lanham,
Arnold,	Clayton,	Gaines,	Latimer,
Baird,	Cochran, Mo.	Gibson,	Lentz,
Ball,	Cochrane, N. Y.	Gillet, N. Y.	Lester,
Barber,	Colson,	Gillett, Mass.	Littauer,
Barney,	Connell,	Graff,	Livingston,
Barrett,	Connolly,	Greene, Nebr.	Lorimer,
Barrows,	Cooney,	Griffith,	Loudenslager,
Bartholdt,	Cooper, Tex.	Griggs,	Lovering,
Beach,	Cooper, Wis.	Grosvenor,	Low,
Belden,	Corliss,	Grout,	Lybrand,
Belford,	Cox,	Grow,	McCormick,
Belknap,	Cranford,	Handy,	McDonald,
Benner, Pa.	Crump,	Harmer,	McEwan,
Bennett,	Crumpacker,	Hartman,	Mann,
Benton,	Danford,	Heatwole,	Martin,
Bingham,	Davey,	Henry, Ind.	Meekison,
Bland,	Davidson, Wis.	Hicks,	Mercer,
Bodine,	Davis,	Hilborn,	Miers, Ind.
Botkin,	Davison, Ky.	Hinrichsen,	Miller,
Boutell, Ill.	Dayton,	Hooker,	Minor,
Boutelle, Me.	De Graffenreid,	Hopkins,	Mitchell,
Bradley,	Dorr,	Howard, Ga.	Norton, Ohio
Brantley,	Dovener,	Howe,	Odell,
Brenner, Ohio	Driggs,	Howell,	Ogden,
Brewster,	Eddy,	Hunter,	Overstreet,
Brosius,	Elliott,	Hurley,	Packer, Pa.
Broussard,	Fischer,	Jett,	Pearce, Mo.
Brumm,	Fitzgerald,	Joy,	Pitney,
Campbell,	Fitzpatrick,	Kirkpatrick,	Powers,